

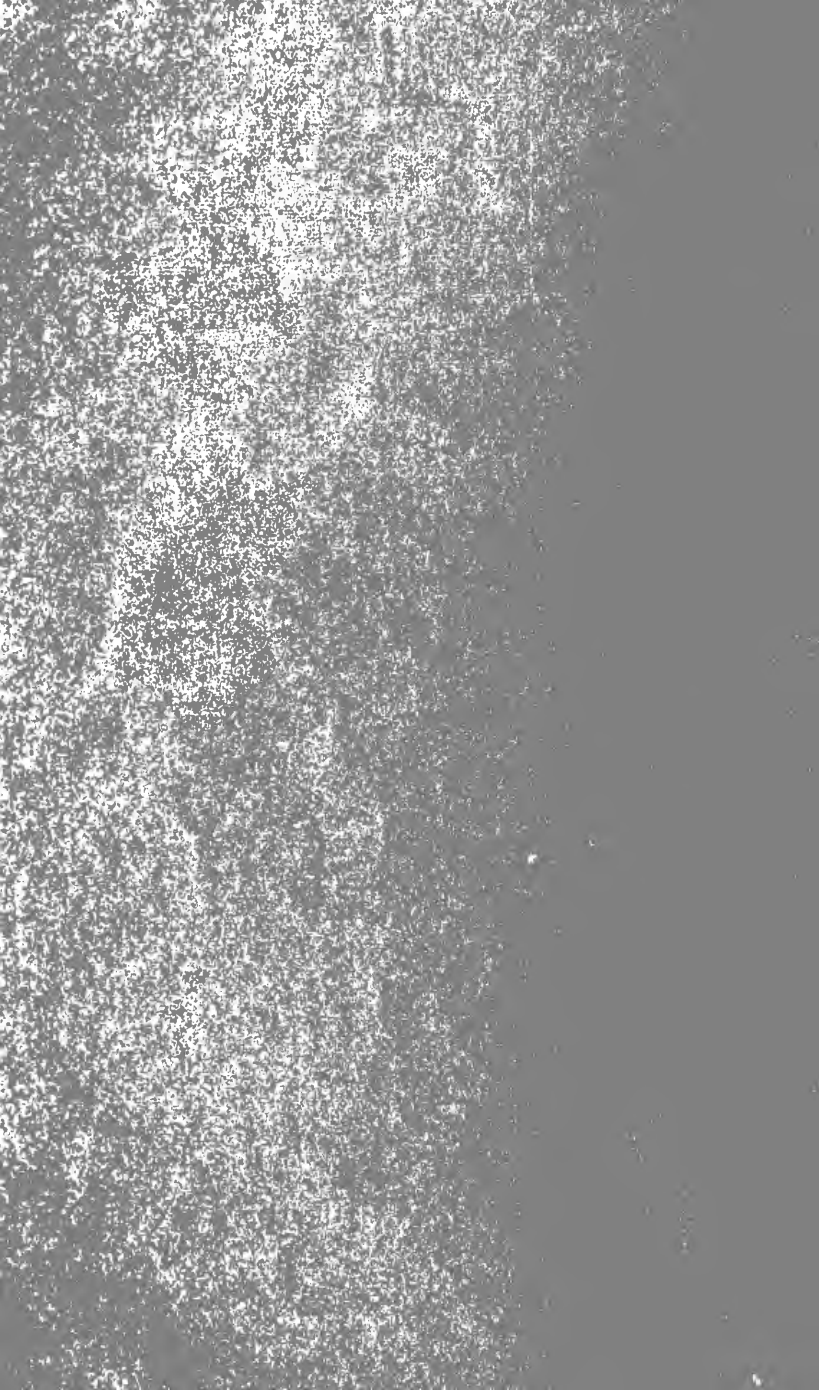




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REPORTS ON GRIEVANCES.

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House of Assembly,  
Upper Canada.

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1835.

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THE SEVENTH  
**R E P O R T**  
FROM THE  
**Select Committee**  
OF  
**THE HOUSE OF ASSEMBLY**  
OF  
U P P E R C A N A D A  
ON  
**G R I E V A N C E S ;**

*To whom were referred Lord Viscount Goderich's Despatch,<sup>tc.</sup>  
to His Excellency Sir John Colborne, of the  
8th November, 1832.*

TO WHICH IS ADDED,  
THE REPORT FROM THE SAME COMMITTEE, ON THE PETITION  
OF WILLIAM FORSYTH, LATE PROPRIETOR OF THE  
NIAGARA FALLS PAVILION.

**W. L. MACKENZIE, ESQ. Chairman.**

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Ordered, by the House of Assembly, to be Printed, (2,500 copies) 10th April, 1835.

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**TORONTO:**  
**M. REYNOLDS,**  
Printer to the Hon. the House of Assembly.

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- In the index, page 12, line 3, for "13" read "130."  
 In " " " 20, " 30, for "tendered" read "tended."  
 In " " " 23, " 6, " "1826" read "1825."  
 In " " " 33, " 7, " "1824" " "1826."  
 In " " " " " " "258" " "260."

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- In page 62, after line 11, add "and Osna-."  
 In " 70, line 33, for "428" read "427."  
 In " 82, " 25, " "226" " "526."  
 In " 91, " 45, " "lat" " "late."  
 In " 94, at the end of Mr. Hurd's evidence, (in part of the impression,) erase "The witness withdrew."

- In page 103, line 8, for "persons" read "a person."  
 In " 115, " 37, " "£11" read "£111."  
 In " 119, " 30, " "minster" read "minister."  
 In " 123, " 31, " "£1,355" " "£1,333."  
 In " 130, " 5, " "Reserves" " "Revenues."  
 In " 148, " 8, " "Fund" " "Funds."  
 In " " " 17, " "Steetsville" " "Streetsville."  
 In " 170, " 6, " "1331" " "1831."  
 In " 171, " 5, " "Pawke" " "Hawke."  
 In " " " 21, " "Corner" " "Comer."  
 In " " " 26, " "Wiskens" " "Wickens."  
 In " " " 29, " "Corner" " "Comer."  
 In " 188, " 12, " "instrement" " "instrument."  
 In " 215, " 25, " "prohibition" " "prohibitive."  
 In " 219, " 36, " "absolote" " "obsolete."  
 In " 226, " 7, " "Jutsice" " "Justice."  
 In " 271, " 5, " "directers" " "directors."  
 In " 274, " 28, " "Parliament, (1834.)" read "Parliament, (1835.)"

- In page 275, line 20, for "niet" read "quiet."  
 In " 289, " 13, " "slaves" " "slave."  
 In " " " 16, " "trades" read "trade."  
 In " " " 30, " "grievously" read "graciously."  
 In " " " 34, " "spoliation," " "spoliation."  
 In " 292, " 42, " "Legislators" " "Legislatures."  
 In " 294, " 2, " "Officer" read "Office."  
 In " 295, " 13, " "services" read "service."  
 In " 296, " 6, " "abseence" read "absence."  
 In " " " 7, " "measure" read "measure."  
 In " " " 8, " "respective" read "respective."  
 In " 297, " 4, " "heresay" read "hearsay."  
 In " 300, " 13, " "J. P. Hurd" read "S. P. Hurd."  
 In " 337, the third name, for "Jasias Taylor" read "Josias Tayer."

In page 350, line 26, for "Exemple" read "Exempla."

In " 351, " 7th line from the foot, for "Anelieta" read "Analecta."

In page 253, line 5, for "Analeta" read "Analecta."

" 356, line 15, after 'General' add 'of.'

" 359, " 19, for 'deserve' read 'deserves.'

" 360, " 32, for 'petition' read 'petition.'

" 369, " 52, after 'ment——' erase 'it.'

" 1\*, " 8 from the foot, for 'constitute' read 'constituted.'

In page 10\*, line 33, for 'confined' read 'confirmed.'

" 23\*, " 9 from the foot, for 'Legislature' read 'Legislatures.'

In page 23\*, line 8, for 'We, Your Excellency's' read 'We, His Majesty's.'

In 9th paragraph of King's College Charter, for 'our said Council' read 'our said College.'



PROVINCE OF UPPER CANADA.

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No. 21.

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IN ASSEMBLY, 10th APRIL, 1835.

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**SEVENTH REPORT**

FROM THE

**COMMITTEE**

ON

**GRIEVANCES.**

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*To the Honorable the Commons House of Assembly.*

The Select Committee on Grievances, to whom were referred the Despatch of Lord Viscount Goderich, His Majesty's Principal Secretary of State for the Colonies, of date the 8th of November, 1832, with the Message of His Excellency the Lieutenant Governor, and several letters, petitions, and other Documents which had been addressed by William Lyon Mackenzie, Esquire, to the Secretary of State, accompanying the same—the Message of His Excellency the Lieutenant Governor in reply to the address of the House of Assembly for information concerning the dismissal and re-appoint-

ment to office of Mr. Solicitor General Hagerman, the appointment of Mr. Jameson as Att'y General in the room of Mr. Boulton, and relative to the expulsion of the said William Lyon Mackenzie from the House of Assembly in a former Parliament—and certain other messages, petitions and documents on various subjects of grievance and public and private wrong—have, in obedience to the orders of the House, made some enquiry on the several subjects referred to them, and agreed to the following Report :

In 1828, a Select Committee of the House of Commons enquired into the causes of those embarrassments and discontents which had for many years prevailed in the Canadas. This Committee conclude their report by stating their anxiety “to record their complete conviction that “neither the suggestions they have presumed to “make, nor any other improvement in the Laws “and Constitutions of the Canadas, will be attended with the desired effect, unless an impartial, conciliatory and constitutional system “of government be observed in these loyal and “important Colonies.”

Last summer another Committee of the House of Commons entered upon an investigation of the causes of Canadian discontents, but confined their enquiries to the Lower Province, the Right Honorable E. G. Stanley having under great misapprehension assured the House that the utmost harmony prevailed between the Lieutenant Governor and the Council and Assembly of this Colony.

Your Committee respectfully submit the results of their enquiry, together with the evidence. If

it shall appear to the House that there is just cause of complaint, and that the government has not exerted its Constitutional powers to remedy the evils from which the people desire relief, the course to be pursued is to address the Throne, stating their grievances and praying redress. If, on the other hand, the House shall be of opinion that the government is administered impartially, with sound discretion and a single eye to the general welfare; that its officers and ministers enjoy the public confidence and worthily discharge their various duties, there can be no doubt but that the Representatives of the people will mark their approbation of their conduct by cheerfully placing in their hands the small Annual Grant, which in name, more than reality, indicates a popular influence in the government.

The almost unlimited extent of the patronage of the Crown, or rather of the Colonial Minister for the time being and his advisers here, together with the abuse of that patronage, are the chief sources of Colonial discontent. Such is the patronage of the Colonial Office that the granting or withholding of supplies is of no political importance unless as an indication of the opinion of the country concerning the character of the government, which is conducted upon a system that admits its officers to take and apply the funds of the Colonists without any legislative vote whatever.

Some years ago the people of the County of York held a meeting and petitioned for the redress of Grievances; their memorial was transmitted by W. W. Baldwin, Esq. the Chairman of the meeting, to the Right Honorable E. G. Stanley, and his advice requested as to the means

of redress, which he most willingly gave. His autograph letter in reply, from which the following is an extract, is appended to Dr. Baldwin's evidence given before Your Committee.

[*Extract.*]

“Upon the subject of the Legislative Council, (which I do not hesitate to say, without any disrespect to or reflection upon the individuals who compose it, is at the root of all the evils complained of in both Provinces.) Upon the exclusion of the Judges, with the single exception of the Chief Justice, from all interference in political business—and upon the necessity of introducing some alteration into the present Jury system—the three most important points of your petition, you will find that the opinion of the Committee entirely concurs with yours, and that opinion I am disposed to support to the utmost of my power.”

Mr. Stanley adds that the Constitutional remedy is “open to the people of addressing for the removal of the advisers of the Crown, and refusing supplies.”

The patronage of the Crown, as now exercised in this Province, includes the payments of gifts, salaries, pensions, and retired allowances to the Clergy of the Methodist, Presbyterian, Protestant Episcopal & Roman Catholic orders, and to nearly the whole of the civil officers of the government, including Sheriffs, Collectors of Excise and Customs Revenue, Coroners, Justices of the Peace, Commissioners of the Court of Requests, the heads of the several departments and all in subordinate stations under them; to

Judges of the District and Surrogate Courts, Registrars of Conveyances, Wills, &c., Commissioners of Customs, Clerks of the Peace, &c. &c. These officers hold their several situations only during the pleasure of the Crown. The Royal patronage also embraces the judicial establishment, many pensions, the nomination of one branch of the Legislature, by the name of the Legislative Council, and the appointment of its speaker and other officers,—the selection of the officers of the House of Assembly—the control of the Indian Department, of King's College, and of Upper Canada College, the appointment of the twelve District Boards of Education, and the direction of the expenditure of public monies in aid of Emigration—the selection of the Executive Council—the uncontrolled management of millions of Acres of public Lands—the appointment of 1500 commissioned Militia Officers—the sole control of the Military and Naval Forces—and (subject to the votes of the House of Commons in this case) the regulation of the whole Military and Naval expenditure.

The Crown also controls the expenditure of a large annual amount of local taxation by its power of appointing the District Magistracy during its pleasure—the justices thus appointed select the District Treasurers and a large number of subordinate officers, and exercise varied and extensive civil and criminal jurisdiction. The refusal of the bench of Magistrates of the Eastern District during the present Session, to render to the House an account of the receipt and expenditure of the local taxes and revenues raised from the people, and entrusted to the charge of these functionaries, under the authority of several acts of the Legislature, affords another proof that the

system under which they are appointed requires instant revision; more especially as the complaints of the people of that District against magisterial peculation, as recorded on the journals, are of long standing.

The Crown appoints the members of the Court of King's Bench, and the Judges of that Court regulate at their discretion the tariff of fees to be paid therein by suitors. These judges are dependent on the Crown for such retiring pensions as it may see fit to award them, if any, and enabled to look forward with hope and expectation to the enjoyment of other offices and situations within its gift, by themselves and their families.

The Canada Company, the several incorporated establishments for Banking, Canalling and other purposes, and the Harbour, Dock & Wharf Companies, in nearly all cases, unite their patronage with that of the local government, and steadily strive to increase the influence of the Crown.

The Post Office Department, with about a hundred Deputy Post Masters, is under the sole control of the Crown—contracts are made, and all appointments held during its pleasure; the surplus revenue is transmitted to England. No detailed accounts of receipts and expenditure, have ever been laid before the Colonial Legislature. The rates of letter postage between the different places in the Colony, between this Colony & the others—and between Upper Canada and England, are very extravagant. The correspondence with Europe is chiefly carried on via: New York, which is at once the cheapest and most expeditious route.

Representations were made to the British Government that the Post Office system required revision, and a law was passed in consequence to authorise the several Colonies to establish Post Offices. The form of a law, such as the government would approve, is before the House, but its provisions are so inapplicable and absurd that no benefit would be derived from their enactment. A change for the better must be that which will give the Colonists the entire control of this Department in Upper Canada.

### **Salaries, Fees, &c.**

By the tables of salaries, fees, emoluments, &c., it will be seen that the patronage of the Crown, arising from civil and judicial offices and places within its gift in the Colony extends at least to £50,000 a year (exclusive of the Clergy Grants) the whole being raised from the people themselves and not one farthing derived from England.

Up to 1827 an annual sum of £10,890 Sterling, or thereabouts, was voted by the Imperial Parliament towards the payment of the civil list of this Colony, and it was not till April 1834, that the £4472 allowed yearly to Clergymen of the Church of England from the funds of Great Britain was withdrawn. Now, however, the whole expense is thrown upon the Colony, the inhabitants of which can exercise but little influence over a government which disposes of their property at its discretion.

Of these annual salaries, fees and emoluments, 117 persons receive, each under £100 :—40 persons receive each from £100 to £200 ; 29 persons receive, each from £200 to £300 ; 23 persons

receive, each from £300 to £500; 10 persons receive, each from £500 to £750; 6 persons receive, each from £750 to £1000; 10 persons receive, each from £1000 to £1500; 2 persons receive, each from £1500 to £2000; 1 person receives, £2,066, and 1 person receives £4,953.

On a reference to the table of offices, salaries, &c., it will appear evident that many officers there named could be dispensed with, and that, of the others, the greater part receive incomes which the services they are required to render and the state of the finances of the Colony do not warrant.

Upwards of £38,000 have been paid from the Colonial Revenues within the last eight years to the Lieutenant Governors, the greater part of which it is probable they save and carry to Europe. The incomes of Governors in the northern parts of the States vary from £100 to £1500 a year, and the incumbents are taken from among the resident inhabitants.

The salary of the present Lieutenant Governor Sir John Colborne, with his other public sources of income or emolument is about £5631 a year.\* Formerly the amount of this income was less objectionable for it was chiefly derived from Europe and the Lieutenant Governors transmitted thither the surplus on their return.

£808 is the amount of the income of the Private Secretary to the Lieutenant Governor.—It appears to us that this office ought to be done

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\* This income will have been increased since the accession of the present ministry by His Excellency's promotion to the Colonely of a regiment.



away with, and the duties performed by the existing public departments which are abundantly sufficient for their discharge.

The Honorable Peter Robinson appears to have received of salary from the Colony within the last 7½ years £12587. His annual income is now £1721.

The Honorable Duncan Cameron has received since January 1827, £8624 12 besides a variety of other payments for fees, &c. There can be no pretext for paying this officer at the rate of £1033 a year, and then paying Mr. Jarvis £200 as a deputy to do the business of his office.

The Honorable John H. Dunn has received £11,534 of public money since 1827. His office is a very responsible one, and to it might be conveniently added the offices of several bursars, treasurers, commissioners and other public accountants in this City, with a proportionate saving to the public.

Mr. Robinson is the "Surveyor General of Woods," the "Surveyor General" is S. P. Hurd, Esquire, with an income in fees and salary of £742 a year or thereabouts. The history of this gentleman's appointment may be ascertained from his evidence annexed to this report.

Mr. Hurd was appointed Surveyor General on the 1st of November, 1829, and was ordered to be paid his salary and fees from that date in full for the first six months; then the Colonial office ordered that he should receive half the income of his office until the time when he should think fit to enter upon its duties.

Between 2 and 3 years after he was appointed he came into the Province and began to fulfil the duties of the Surveyor Generalship, and was paid nearly at the rate of £400 a year for the period in which he had neglected the office ; while Mr. Chewett, the senior clerk, was also remunerated in full by the Province as the Surveyor General, for acting as his deputy, and has since obtained a pension of £400 a year out of the Province revenue by an order from England, and retired. Mr. Chewett with his pension has the Registrarship of the Surrogate Court at £104 fees last year,

The multiplication of offices in the land granting Department creates great and unnecessary expense and much confusion.

Archdeacon Strachan's income cannot be easily ascertained. The application of the House of Assembly to be allowed to look into "the Blue Book" or official statement of the pecuniary affairs of the Colony sent to England, for the years 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831 and 1832 the Lieutenant Governor declines to comply with ; and every effort of the Committee to obtain the particulars of the Archdeacon's income for a few years back, by questions put to himself has proved unsuccessful.

Since the 1st of January 1826, Dr. Strachan appears to have received of public money, as Archdeacon, senior Executive Councillor, Rector of York, President of the Board of Education, &c. £7977 ; and for his journey to England in 1827, in cash and lands, other £4351. In all £12,328. Details and explanations are placed in the appendix, but we presume that the sum named falls far short of the gross amount.

It might have been expected that the offices of Clerk of the Executive Council, and first Clerk in that office would have been consolidated into one at about £300 a year, and no fees, on the death of the late Mr. Small. There are very few duties to perform, and these not generally of an important nature, yet Mr. Beikie's name appears in the Blue Book for 1831, as Clerk of the Council at about £725 a year, together with a first and second Clerk at £250 and £200 a year respectively.

The Honorable John B. Robinson's services for the last eight years have been repaid with about £18,000, nearly all of which is from the Colonial Revenue. He has obtained £400 a year for services as Speaker of the Legislative Council, over and above his other salary of £1666 per annum as Chief Justice. The situation of presiding member of the Legislative Council and Chief Criminal Judge of Upper Canada never ought to have been united in the same person. The Speaker of the House of Assembly receives only £200, or half the salary claimed by the Speaker of the Council for services far less important, arduous, and fatiguing.

Mr. Grant Powell, in his various capacities, appears to receive £835 a year, or thereabouts. The extra allowance of £200 over and above his salary of £200, as Clerk of the Legislative Council ought not to be continued: and his office of Judge of the Home District Court should not be held along with an office, which requires his services elsewhere at the same time as Clerk.

Mr. Ruttan's fees, as sheriff of the Newcastle District, amounted to £1040 in 1834, & to £1180

in 1333; such incomes indicate the expediency of some Legislative action on the fees of Sheriffs.

Mr. Jones's fees, as Clerk of the District Court for the same District, appear to have equalled £173 in 1331; very large sums were realized in some other Districts. In an office like this where neither talent nor legal acquirement is requisite, competent and respectable men would gladly act for incomes of £100 or £150, and justice be rendered at less cost to the unfortunate.

The absurd system under which the Collectors of the Customs are remunerated has already obtained the attention of the House.

Mr. Samuel Ridout receives £500 as Registrar, and £222 as Agent to the Land Granting Department; the latter office is a sinecure and ought to be abolished. Many of the Registrars perform their duties by Deputy, and it is believed that if their fees were reduced nearly one half, enough would still be paid for any services they are called on to render, while the expense to the public in conveying real estate would be greatly curtailed.

The salary and allowances of the Attorney and Solicitor General, at £1200 and £600 a year respectively, are unreasonably high. The Speaker, for three months in the year, is required to give his attendance daily, for many hours a day, and his income is but £200. The official services of the Crown Lawyers do not certainly require more talent, nor are they more difficult or arduous than his.

The Crown Office is a grievance of magnitude. The incumbent is required to fulfil duties

which any gentleman with an ordinary education could perform, aided by a few clerks at a slender annual salary; rumour had declared his income from fees alone to be within a trifle of £2,000; his own statement in the Blue Book for 1834, gives £1257 of fees that year, and £111 in salary, in all £1368. These fees are regulated by the judges, who have thus the power to remedy the evil.

In the detailed returns Mr. Jonas Jones' income as Judge of the District Court in three Districts, and other offices is shewn to be £916. In addition to the varied duties of these situations, Mr. Jones is the President of the Board of Commissioners for Improving the Saint Lawrence.

The Adjutant General of Militia receives £449 as salary and allowances, (besides his half pay as an ensign of the regular forces.) He is also allowed an assistant adjutant general to do the work at £200 a year, one of these salaries ought to be abolished.

### **Pensions.**

Within the last eight years there have been paid to eleven individuals, in the form of Pension, out of the Province Revenues, but without the consent of the Legislature, about £30,500—of this vast sum of money nearly £4,000 have been paid to Colonel Talbot;—£4,000 to the late John McGill; £3,856 to Bishop McDonell; £5,998 to the late Sir Wm. Campbell; £3,333 to the late D'Arcy Boulton, Esq.; £5,555 to the late Hon. D. W. Powell; also £1,776 to the Hon. William Allan, to be by him transmitted to Sir D. W. Smith, Bart Northum,

berland. Had this sum of £30,500 been applied under a frugal Government, to the improvement of the Roads and Bridges, it would have done the country a great deal of good.

The civil pensions of the United States amounted in 1817 to \$1,460 ; in 1821 to \$1,500 ; in 1825 to \$2,100, and in 1827 to \$2,000.— This is the effect of having the management of their own money.

### **Ecclesiastical Establishment.**

This consists of four classes—the Methodists—two Conferences, not in connexion with each other. The Church of England—the Presbyterians, two Synods, not in connexion with each other ; and the Roman Catholic Church. The Church of England has been upheld by the Crown since the first settlement of the colony. The Churches of Scotland and Rome received but a miserable pittance, until within the last six or seven years. The Seceders from the Scottish Establishment, began to receive a bounty for their spiritual services some three or four years ago ; and the Methodist conferences had grants extended to them for the first time, in 1832 or 1833. The Independents, Baptists, Congregationalists, Quakers, Lutherans, Tunkards, Menonists, Primitive Methodists and other sects do not receive any part of the public money, and several of the Presbyterian and Methodist Ministers refuse to accept any portion of it.

The House of Assembly, in several successive Parliaments, has expressed its entire disapprobation of the conduct of the Government in thus attempting to uphold particular religious

sects by money grants ; and in the 10th and 11th Parliaments, has declared that it recognized no particular denomination as established in Upper Canada with exclusive claims, powers or privileges.

The ministers of these Ecclesiastical establishments derive their official pensions entirely from the public revenue raised within the Province, and receive besides an income from their congregations ; England pays no part.

There were paid out of the Provincial chest, without any vote of the Legislature, in 1832, 1833 and 1834, to the four Established Churches £10,441, of which £15,284 were paid in 1834.\*

#### Methodists.

The "Canadian Wesleyan Methodist Conference" received £890 in 1833, and £389 in 1834 ; these sums were to be applied to the building of Chapels, &c.

The "British Wesleyan Methodist Conference" formerly the Methodist Episcopal Church received £1,000 in 1833, and £611 in 1834, to be applied (as is stated to the Lieutenant Governor by the Rev. Joseph Stinson,) "to the erection or repairing Chapels and School-houses, and in defraying the general expenses of the various Missions in our charge."\*

Your Committee were unable to obtain an account of the expenditure of these monies in

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\* £15,284 paid to the Clergy of 4 particular denominations in one year, is rather at variance with a portion of Viscount Goderich's despatch, that shewing undue preference to the Church of England was at variance with his whole course of policy, more especially as £9,662 of that sum was given to that denomination

detail. It appears indeed that no such accounts had been transmitted to the Government Office in either of these years.

This appropriation to the Methodists as an Ecclesiastical Establishment, is very singular. In the year 1826 the opinion entertained of them by the Executive, is given by Dr. Strachan, who informed the Colonial Minister in England that the Methodist Ministers acquired their education and formed their principles in the United States; and they felt the suspicion attempted to be thrown on their loyalty so strongly, that they appealed to the House of Assembly, which enquired into and reported on the matter in the year 1828.

Upon another occasion they received a rebuke from His Excellency Sir John Colborne, as will appear from the document in the appendix containing His Excellency's answer to the Address of the Conference, requesting him to transmit to His Majesty their Address on the subject of the Clergy Reserves. Since, however, a share of the public money has been extended to, and received by them; there seems to have been established a mutual good understanding.

### **The Church of England.**

To the Ministers of this denomination, as salary, &c., the government has paid out of the Province chest, within the last three years, the sum of £27,321, of which £9,602 were paid in 1831. For details we refer to the appendix.

Within the last eight years £3,559 have been paid to Archdeacon Stuart of Kingston, for



his services as Archdeacon and Minister of the Church of England. All this money was paid out of the Province revenues without a grant of the Legislature.

### **Presbyterian Clergy.**

This christian denomination has received £5,541 within the last two years; part of which was to the Synod in communion with the Scotch Church, and the lesser share to the other Synod.

The detail of this expenditure, so far as it has been obtained, will be found in the appendix.

### **Roman Catholic Clergy.**

Within the last two years £4,910 have been paid to the Catholic Bishop; a part for himself; a part for his clergy; a part for repairing and building Catholic Chapels and Churches, and a part for Educational purposes—the payments have all been made from the colonial revenues.

It will be seen, from the evidence annexed to this Report, that some exertions have been made by Your Committee to obtain the accounts and vouchers of the payments made by the Bishop to his clergy and others, and for building churches. The Lieutenant Governor has also directed an inquiry to be made as to the details of this part of the Ecclesiastical expenditure, but, hitherto, without success.

### **Glebes.**

Between the years 1789 and 1833—23,905 acres of public lands were set apart by the Crown as Glebes to clergymen.

Of these there were given to the Church of England  
22,345 Acres.

To the Scotch Church,	1,160	do
To the Roman Catholics,	400	do
To all other Denominations,	0	do

### Land Granting Department.

Viscount Goderich's Despatch shews that this grievance, for such it was, has been in part removed. To what extent, however, the documents Nos. 7. and 8. of the Appendix do not very clearly shew.

### King's College and U. Canada College.

The former institution is not yet in operation, although much required for the instruction of the youth of the Province in those branches of education not usually taught in Common Schools.

The latter is upheld at great public expense, with high salaries to its principal Masters, but the Province in general derives very little advantage from it. It might be dispensed with.

Viscount Goderich had His Majesty's commands to express the Royal desire, that the opinion of the people of the colony might be consulted with respect to the constitution of King's College. A Bill has accordingly been sent to the Legislative Council, sanctioned by a large majority of the House of Assembly, for the establishment of that seminary, but there is not much reason to expect that the Council will coincide in opinion with the representative branch of the Legislature on this important question.

### Expenditure on Emigration.

Accounts of an expenditure of £31,728 13s 11d under the Crown Land Commissioner, in aid of the Emigration from Europe, were referred to your Committee, who, being unable to ex-

amine into all the details, sent for the Vouchers for the late Mr. Mount's expenditure of about £7,500 of the money in Adelaide, Warwick, and Carradoc. Their statements, No. 56 and No. 57 of the Appendix, will show the opinion they entertain of this mode of expending the provincial revenue.

### **Audit of the Public Accounts.**

The present system is altogether inefficient for ensuring the application of the revenue to the purposes for which it is intended to be applied. The House of Assembly, acting by one or more of its committees in a session, cannot examine the accounts and vouchers of the several public accountants, owing to the very complex, obscure and unsatisfactory manner in which they are furnished; and as for the Executive Council, the law recognizes them not as auditors of the revenue, nor do they merit the public confidence as a board of audit.

Of the grant for the roads in 1833, paid about a year ago, nearly £12,000 entrusted to Commissioners remain yet unaccounted for.

The grants to Canals, many thousand pounds in amount, are in general very imperfectly accounted for.

The payments of Casual and Territorial Revenue, fines, forfeitures and seizures, are also very imperfectly accounted for, either to the country, or to the Crown or its ministers.

The remedy would be a Board of Audit, the proceedings of which to be regulated by a well considered statute under a responsible government; such a Board might save the country many thousands each year, but it is difficult to believe that any efficient means of auditing the whole provincial revenue can be provided by

Legislative enactment, while the Legislative Council is constituted as at present.

### \*Returns of Accounts, &c.

Many items of information required by the House and its Committees from the Government with respect to the public accounts, the receipt and expenditure of public monies, college and other funds, monies placed in the hands of individuals for the payment of clergymen or the building of churches and chapels, &c. have as yet been withheld, and the receipts and expenditure of the post-office department have been very unnecessarily delayed. In most cases the parties whose duty it was to compile these returns have had ample time to do so. In many other cases the statements required have been furnished to the house. The remedy for neglecting to supply returns in most cases, would be by a statute providing the time and manner of making them, and naming the officers who should render them to the Legislature; but it is well known that such an enactment would fail in the Council, which has an interest in preventing the enforcement of practical accountability to the people.

Little respect is paid, even in subordinate matters, to the wishes of the House of Assembly. In the year 1828, the late Francis Collins was convicted of an alleged libel for imputing to the present Chief Justice Robinson, then Attorney General, native malignancy. This language was induced by the irritation Mr. Collins felt at the wrongful denial, by Mr. Robinson, of his right to traverse to the next assizes. He

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\* See recommendations in the Report of Sir Henry Parnell, Sir James Kempt, Mr. Ellice, and others Commissioners to report on the public revenue—in the Appendix.

was, however, sentenced to a fine of £50, to be imprisoned in the common jail for twelve months, and to find securities to keep the peace for three years, and to remain in prison till he did so.

The whole proceedings of the first session of the tenth Parliament on that subject are full of interest, and exhibit a faint and imperfect specimen of the spirit with which the government was carried on, and the criminal justice of the country administered. It ended in a simple request from the Assembly, that the residue of the punishment might be remitted, Collins having already been immured in the prison for several months. This reasonable request was flatly refused by Sir John Colborne. It is, however, humiliating to notice, that a similar request was readily granted to a few favored individuals for the release of the Farmersville rioters, who had in the most shameful, premeditated and unprovoked manner, assaulted and beaten the chairman of a public meeting, held simply for the purpose of returning thanks to Lord Goderich for his Despatch.

Under the same disregard of the views of the House of Assembly, measures were adopted by His Excellency for the second Leeds Election, quite at variance with their known wishes. The Returning Officer, in his evidence under oath, before the Grenville Committee, declared Beverley, where the first election was held, to be an unsuitable place. It had already been the scene of disgraceful riots, destructive of the freedom of election, was in the vicinity of those violent partizans of Messrs. Gowan and Attorney General, who were the authors of the former riots, and remote from the district town where any rioters could be confined.

The Returning Officer also stated, that the time of six days, limited by the existing law for the election, was insufficient for polling all the votes in the county; and that without an extension of time the next return might depend on which could get their votes first polled. The Returning Officer was also judged and reported by the Committee, acting as they were under the sanctity of an oath, deficient in firmness, and the defence was declared frivolous and vexatious. Yet the same Returning Officer, and the same place were selected by Sir John Colborne for the new election, which was ordered to take place within so short a time that it was scarcely possible to give the notice required by law in the different townships so as to apprise the freeholders.

Under these circumstances it is not surprising that renewed riots occurred at the second election, which has by another Grenville Committee been set aside.

### **The Despatch of 8th Nov. 1832.**

The Despatch from Lord Viscount Goderich to Sir John Colborne, dated November 8th, 1832, and specially referred to your Committee, is an answer to the representations of about 24,500 of His Majesty's subjects of this Province, transmitted to England by Mr. Mackenzie, a member of this Committee and the agent deputed by the Petitioners to urge their claims on the consideration of Government.\* There is an error in the Despatch, which states the number of Petitioners by Mr. Mackenzie at 8 or 10,000,

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\* "There is no class of the Canadian people, however small, nor individual among them however obscure his situation, to whose petitions His Majesty does not require that the most exact and respectful attention should be given."—Viscount Goderich's Despatch, Nov. 8th, 1832.

below the true number, a subsequent letter to Mr. M. from the Colonial Office, appended to this report, corrects that mistake.

Mr. Mackenzie also went to England as the Agent of about 10,000 Petitioners of the several religious denominations, whose claims Mr. George Ryerson was sent home to advocate in 1830.

The documents referred to your Committee are very voluminous, instead, therefore, of reporting them, some extracts have been made to which the Despatch has reference; these selections and other correspondence with the Colonial Office are appended to this report.

The Despatch itself recommends many very valuable measures that His Majesty had been graciously pleased to suggest to the Government of this Province, and which are eminently calculated, if acted upon, to render the people more happy and contented, viz:—

1. The passing of a Bill for the amendment of the Election laws.
2. The alteration of the Charter of King's Collège, in such a manner as shall agree with the wishes of the people—[acted on this year by the Assembly.]
3. The placing the Town Members of the Assembly on the same footing in respect to wages as the County Members—[acted on this year.]
4. Allowing all the members of religious denominations, who cannot conscientiously take an oath, the privilege of the elective franchise—[acted on.]
5. The interdiction of the disposal of Crown Lands to favourites, and rendering them the subject of competition—[partly acted on.]

6. The repeal of the law which excludes British subjects from voting at elections and being elected, until the expiration of seven years after their return from their residence in a foreign country—[acted on by the Legislature.]

7. The non-interference of all persons holding official situations in the Province at elections.

8. The strong recommendation of His Majesty for a universal diffusion of Education, especially among the poorest and most destitute—[acted on by the House of Assembly this year.]

9. The desire expressed, that the most ample and particular information should be given to the House of Assembly of the avails and disposition of the Casual and Territorial revenue.

10. The disposition expressed by His Majesty that the Ministers of religion should resign their seats in the Councils, and that no undue preferences should be given to the preachers of the Church of England—[to this recommendation, the Address of the Council hereto appended, was the answer.]

11. The reducing the costs of Elections.

12. The passing of a Bill for the independence of the Judges—and

13. The passing of a Bill limiting the number of persons holding offices to seats in the House of Assembly.

Mr. Mackenzie, in his efforts made in England for the attainment of a redress of grievances, was generously assisted by Mr. Hume; (who has always taken an active part on behalf of the people of Canada), and by Messrs. Warburton, Ellice, O'Connell, Grote and Roebuck, Mr. Viger, Lord Howick and other Gentlemen of liberal principles.



Among other subjects of complaint embraced in the Petitions referred to your Committee, were the neglect of general Education—the delays, costs and partialities exhibited in the administration of Justice—defective Jury laws—inconvenient polling places at county Elections—an imperfect state of the representation in the House of Assembly—the Primogeniture laws—the Crown and Clergy Reserves, and the large Provincial debt.

Upon these and other matters of Grievance, your Committee have taken the evidence of individuals of various religious and political creeds which they herewith submit to the consideration of the House.

### **The Legislative Council.**

This body forms a part of the patronage of the British Government; they are the nominees of the Minister of the colonies, who can add to their numbers at his discretion. In continually rejecting the many valuable measures earnestly prayed for by the people, they may be fairly presumed to act in obedience to the power from whence their appointments were derived. Your committee examined some of the members of the council holding offices of emolument under the government, and from their answers it will readily be seen whether they are or are not under the influence of the Lieutenant Governors for the time being.

Capital may be brought into any country, but under an arbitrary, imprudent, and irresponsible government it will be impossible to retain a large share of it. Notwithstanding the encouragement given to emigration, as stated in Mr. Robinson's accounts; it appears by No. 5 of the

Appendix, that the population of the colony has not increased much beyond the natural rate in an agricultural settlement of great extent, fertile soil, and spare population. The emigration at Quebec in these four years, as also at New York, has been very extensive. The more wealthy class of emigrants pass through Canada to the United States.

### **Justices of the Peace.**

These officers are appointed by the Lieutenant Governor alone, during his pleasure. Their powers severally and collectively are very extensive. By a reference to the returns appended to this report it will be seen that they consist chiefly of persons of a particular bias in politics, and are a means of extending the power and influence of the colonial system.

Several witnesses were examined as to the mode of appointing Justices of the Peace, the character of the Magistracy, &c. Their evidence and returns of the present magistrates of the colony are submitted herewith.

### **A Responsible Government.**

The Governors of colonies, like other men, are individually liable to all the infirmities of human nature, and in their political capacity, when left to act without restraint, they, no doubt, sacrifice occasionally the interests and happiness of the people, to the gratification of their own passions and caprices. One great excellence of the English constitution consists in the limits it imposes on the will of a King, by requiring responsible men to give effect to it. In Upper Canada no such responsibility can exist. The Lieutenant Governor and the British Ministry hold in their hands the whole patronage of the

Province; they hold the sole dominion of the country, and leave the representative branch of the Legislature powerless and dependent.

Mr. Elmsley, a member of the Legislative Council, (the son of a late Chief Justice of the Province,) and formerly member of the Executive Council, retired from that body lately, and advertised in the newspapers that he could not retain his seat and act independently at the board. The Archdeacon of York, Mr. Markland, and Mr. P. Robinson, three of the present members of the Executive Council, have given a different testimony before Your Committee. Mr. Stanley, in his letter already adverted to, expresses his opinion of the Executive Council with great candour and frankness, as follows:

“ I do, however, think that something might be done with great advantage, to give a really responsible character to the Executive Council, which at present is a perfectly anomalous body, hardly recognized by the Constitution, and effective chiefly as a source of patronage.”

In the Royal Instructions to Governor Sir Thomas Cochrane, dated the 27th of July, 1832, signed by Viscount Goderich, and printed by order of the House of Commons, your committee find the following passage:

“ In accordance with the uniform course of precedents, your Commission constitutes a Council which will participate with the Assembly in the enactment of laws. It is not, however, to be denied that this part of the established system of Colonial Legislation has been practically found to be attended with some serious difficulties. The members of Council, deriving their authority from the Royal Commission, have not seldom been regarded with suspicion and distrust by the great body of the people. Their elevation in rank and authority has but too often failed to induce a corresponding degree of public respect. Even the most judicious exercise of their powers has occasionally worn the resemblance of harshness when opposed to the unanimous or the predominant opinions of those to whom the Colonists looked with confidence as their representatives.

“ The Councils, it must be confessed, have not uniformly exerted themselves to repel, or to abate, this prejudice. The acrimony engendered by such disputes has sometimes given occasion to an eager assertion of extreme rights on the part of the Council, and to a no less determined denial of their necessary and constitutional privileges on the part of the Assembly. The Councils have also been employed as instruments for relieving Governors from the responsibility they ought to have borne for the rejection of measures which have been proposed by the other branch of the Legislature, and have not seldom involved them in dissensions which it would have been more judicious to decline. The effect of the institution therefore, is too often to induce a collision between the different branches of the Legislature, to exempt the Governor from a due sense of responsibility, and to deprive the representative body of some of its most useful members. Yet the compensation which might atone for these evils is not obtained, and the Council does not assume in the colony a position or an influence analogous to that of the House of Peers, because entirely destitute of that hold on public opinion which the property and independence of its members, as well as the antiquity of the institution itself, confers upon the Peerage of this country.”

In Upper Canada, where society doubles its numbers every twelve years, (while in Lower Canada it does so every twenty years) where new towns and counties start every year into existence, acting more on government than acted upon by its directions, obliging it to abandon schemes of improvement begun in one direction because population has by chance suddenly accumulated in another—requiring new laws and tribunals every Legislative Session—coming from several counties and bringing hither their peculiar affections, feelings, and prejudices—in such a country the government ought to follow incessantly the changes that work on public opinion—it should be cheap—because population and capital spreading constantly in the wilderness, there is no great accumulation of capital in a few hands, though there is a rapid one in the country; the people are above want but cannot

indulge in luxury and ostentation—their display will therefore ever make highly salaried officers disliked by the community at large.

In Upper Canada the efforts of the Legislature have been directed towards improving the Executive Council. Yet it appears on enquiry that that body affects to have done neither good nor harm\*—some of its individual members may, (as is asserted by Bishop Maedonell †) have acquired influence near the Lieutenant Governors and misled them, but the body has few if any definite attributes, other than in the Land Granting Department, and there nothing but ministerial acts to perform. It is shewn in evidence, by Colonel Rowan and others, that the Lieutenant Governor may or may not shew the Executive Council his despatches, and may or may not ask their advice, and may or may not follow that advice after having asked it, except there be an instruction from Europe to the contrary. They are occasionally called on to report on special matters for the information of the government at home, which is often seriously and intentionally misled by them.

In the appointment to offices, and concerning the accepting or rejecting Legislative Bills, it does not appear that they have ever been consulted. Their power in the Land Granting Department has been done away in this Province by the appointment of Mr. Peter Robinson, and in Lower Canada by that of Mr. Felton, with whom the respective Governors (alone) are supposed to consult and determine on all applications for land. The Canada Land Company monopoly too, necessarily, renders ap-

\* See evidence of Executive Councillors, letter of Lieutenant Governor Colborne, and other documents annexed.

† See his letter on that subject, annexed to the evidence of the Rev. Dr. O'Grady.

plications for grants to the government less frequent. It appears to Your Committee that the Executive Council is a nondescript with which it is folly further to contend.

There have been three classes of persons examined before Your Committee—the first, of whom the Venerable Dr. Strachan is one, are of opinion that the Government is well enough as it is, and that as to responsibility it is as responsible as other Governments.

The second class desire a responsible Ministry, some heads of departments well paid, to direct the government, to prepare bills and most of the business of the session, and to hold office or lose it according as they may happen to be in the minority or majority in the House of Assembly. This system was never attempted in any of the old colonies, but Your Committee have asked many questions with a view of ascertaining what is the public opinion concerning its practicability here; and it appears that Mr. Mackenzie, in his letters to Lord Goderich, expressed a belief that with some modifications it might be productive of a greater share of good government and public prosperity than is at present enjoyed by the people.

A third class contend for elective institutions,\* and affirm that while Governors come from without, and Judges are commissioned from without, favoritism towards their connexions will prevail to an extent that would destroy the influence of any set of "Ministers," constituted upon the principle desired by the second class; that the influence of Downing Street will conti-

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\* "I really do believe (observes Mr. Labouchere) that where society is constituted as in Canada, any attempt on the part of the government to appoint the Legislative Council is the merest delusion. I have ever been of opinion that the only way by which you can give to that body the weight and responsibility which they ought to possess is by introducing the principle of Election."

nue to prevail as hitherto; and that the favourites of the Secretary of State will, as at present, be placed in important offices to the exclusion of better qualified men.

The facts connected with the cases of Mr. Jameson, Mr. Boulton, and Mr. Hagerman; the dismissal of the Crown Lawyers by one Colonial Minister, and the unexplained re-appointment of one of them to his former office, and of the other to the highest judicial situation in Newfoundland, a short time after, by another; the assertion by Colonel Rowan, to Mr. Boulton,\* on the authority of the Lieutenant Governor, that the cause of his and his colleague's summary dismissal, was the part they had taken in the House of Assembly to promote the repeated expulsions of Mr. Mackenzie, after they were (it was presumed) made acquainted with the opinion of the Home Government on that course of proceeding; and the prompt and ready refusal of His Excellency to inform the House, in answer to its Address, of the reasons which had induced the Colonial Department to pursue the course it did in these matters, (although even Sir Peregrine Maitland has admitted in his despatches to Mr. Stanley on the Falls Outrage, that it had become the usage in the colonies, unreservedly to submit such correspondence to the Colonial Assemblies,)—these circumstances clearly prove that there is no responsibility to public opinion in Upper Canada, and it may be inferred from His Excellency's reply that he has instructions from England to withhold from the Legislature the official correspondence of the Colonial Department concerning their affairs.

The cause of the removal of the Crown Officers can only be learnt by Your Committee

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\* See copy of his letter in Appendix.

from the Despatch of Lord Goderich,\* who expressly says it was done because they opposed the avowed policy of His Majesty's Government; the truth of which charge is abundantly notorious; nor does His Lordship seem at all to notice the personal indignity they had offered to himself even as a Minister of the crown. It is difficult to imagine on what ground His Excellency Sir John Colborne qualified the language of the Colonial Minister, and limited it to the case of Mr. Mackenzie's expulsion, unless it was to furnish the excuse which Mr. Boulton is known to have offered, that the views of His Majesty's Government had never been communicated to him as they had been to Mr. Solicitor General.† But although His Excellency has given this limited view without any known authority, yet we have heard Mr. Solicitor General publicly declare that his removal had not the remotest connexion with Mr. Mackenzie's expulsions and pretended disqualification by the late Provincial Parliament. The declaration therefore of His Excellency on the one hand, and of Mr. Solicitor General Hagerman on the other, are in direct contradiction; and His Majesty's government at Home can alone tell where the truth lies. It appears probable they were dismissed for opposing the views of His Majesty's Government, not only in the expulsions of Mr. Mackenzie but also from their treatment of Lord Goderich and of His Despatch, embracing a variety of matters of general interest and policy, and that they have since been restored upon irreconcilable representations and excuses the nature of which this system of concealment prevents our ascertaining.‡

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\* See Appendix, paper numbered 88.

† Vide letter in appendix paper 88.



The unexplained reappointment to office of the Crown Officers, Messrs. Boulton and Hagerman, men whose conduct and character were always particularly obnoxious to the people, created great dissatisfaction and distrust in the colony.

If reference be had to the British Constitution, as settled during the reign of King William the Third, it will be found that there are securities provided in it against Kingly or rather aristocratic encroachments. On that occasion the system of Government in England was remodeled, and the Annual Assembly\* of Parliament was rendered necessary in the first place by the strict appropriation of the revenue according to votes of supply. It was secured next by passing the Mutiny bill, under which the Army is held together, and subjected to Military discipline for a short term, seldom or never exceeding 12 months. These are the two effectual securities against military power; that no money can be issued to the troops without a previous authorization by the Commons in a committee of supply, and by both Houses in an act of appropriation; and that no officer or soldier can be punished for disobedience, nor any court martial held, without the annual re-enactment of the Mutiny bill; thus it is strictly true that if the King were not to summon Parliament every year his army would cease to have a legal existence, and the refusal of either house to concur in the Mutiny bill would at once wrest the sword out of his grasp. By the bill of rights, it is declared unlawful to keep any forces in

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\* Vide Hallam's Constitutional History of England, volume 3rd page 203.

“ time of peace without consent of Parliament.  
“ This consent, by an invariable and wholesome  
“ usage, is given only from year to year; and  
“ its necessity may be considered perhaps the  
“ most powerful of those causes which have  
“ transferred so much even of the Executive  
“ power into the management of the two Houses  
“ of Parliament.”

No such system of checks and balances to protect from Executive usurpation of popular rights can be found in Upper Canada.

The class of persons who are in favor of elective institutions contend, that they were found to work well in the old North American colonies while in a colonial state that the people of Upper Canada are entitled to the enjoyment of institutions equally free with those enjoyed by the old colonists during the time they were colonial, and under British protection—that few politicians are now found contending that these continental colonies, capable of containing a large population, will for a long series of years be required to submit to the inconveniencies resulting from perpetual interference by the Home Government in their internal concerns. That in the House of Assembly many useful bills are proposed and carried for many successive sessions which are continually thrown out in the Legislative Council; of which the return moved for in the House of Commons by Mr. Hume and appended hereto gives particulars up to the year 1832—that it is the wisdom of the aristocracy to try to make the people fearful of themselves, by raising idle cries about loyalty, republicanism, jacobinism, and revolution—that birth, office, or peculiar privileges ought not to give to a few superiority over the many—that the legislative council neglect and despise the wishes

of the country on many important matters which a council elected by the freeholders would not—that the people, if united in claiming their privileges to constitute the second branch of the legislature, would obtain it, and that it is weakness and wavering among their representatives which alone can make them timid, as to claiming the enlargement of their liberties—that the prejudices of early education, borrowed from books written by or under the authority of pensioners and salaried lawyers who have with one voice endeavoured to lull the people into the very erroneous belief that the union of church and state and the wisdom of former ages in devising great privileges for the peerage are the causes of the greatness of England, while in truth it is owing to what she has saved of popular institutions—that elective institutions are the only safeguards to prevent the Canadas from forming disadvantageous comparisons between the condition of the colonists and the adjoining country—and that the crown of England, by its ministers, exercised no patronage in Connecticut and Rhode Island; none in the other New England States, save the appointment of a Governor; none in the proprietary governments; and that hence there is no disloyalty in freely and calmly discussing which of these modes of government that have been granted to British subjects and countries will best suit Canada.

When Sir John Colborne assumed the government of this province, in his reply to the address of the legislative council in answer to his speech at the opening of the session, he expressed to them his opinion of the deficiency of independence in that loyal body. His Excellency's communications with the Colonial Department convey the same sentiment.

The following is an extract of a despatch from His Excellency Sir John Colborne to Secretary Sir George Murray, dated York, Upper Canada, 16th February, 1829.

“ With respect to the constitution of the executive and legislative councils, on which subject you require information, it is evident, that whatever persons may be appointed members of the executive council, there will be a considerable degree of jealousy existing in this limited community of their influence and authority; they must necessarily reside at York, and will seldom be able to accept the charge without holding other offices under the crown. On many accounts it is very desirable that the Chief Justice should retain his seat in the executive council; but there can be no doubt that occasionally he must, as a judge, be led too deeply into the political affairs of the colony.

“ Composed as the legislative council is at present, the province has a right to complain of the great influence of the executive government in it. The legislative council consists of seventeen members, exclusive of the Bishop of Quebec; of those, from accidental causes, not more than fifteen ever attend to their legislative duties. Thus, out of the number generally present, six are of the executive council, and four hold offices under the government; I have therefore intimated my intention of recommending to His Majesty's government to increase the legislative council.

“ It is exceedingly difficult to find persons qualified for it; but if about eight or ten more can be selected from different parts of the province, and the majority be considered independent, there can be no good reason assigned for excluding the executive council.”

In the return to the house of commons, from which the above extract was taken, it is noted that “ Since the date of the despatch, the Right Reverend Dr. Macdonell, Roman catholic bishop, and John Elmsley, Esquire, two additional members have been added to the legislative council.” Of these the first named has a pension or allowance during the pleasure of the colonial department, and the last left the executive council, declaring that an independent minded man could not be there.

The dependence of the legislative council is strikingly manifested by the facts stated in the evidence of the Honorable Colonel Clark, and the Honorable William Dickson, members of that body, before a select committee of the house of assembly during a late parliament.\* It appears that several legislative councillors had objected to a measure strongly urged by the executive, and its failure was inevitable. To ensure its passing, coercive means were adopted, and those members who were dependent on the government, were told either to vote directly contrary to the opinions they had thus publicly expressed, or be dismissed from their offices. After this disgraceful attempt to coerce men to disingenuous and inconsistent conduct, those unacquainted with the threats which had been used were astonished at the sudden, unexpected, and unexplained change in the conduct of several members; and when this surprise was expressed to the late Honorable James Baby, (who was also an executive councillor, and the senior member) he shed tears at his humiliation, and only exclaimed "my children!" "my children!" and the late Honorable Chief Justice Powell replied to a similar enquiry of surprise, "I have received a new light within the last ten minutes."

It also appears that the last named gentleman was on another occasion obliged to have a protest he had entered on the journals erased, and the erasure can be seen. The protest of Chief Justice Powell was against a school bill, passed the House of Assembly, then uninformed of its bearing, under the ambiguous phraseology of which it was intended to give Dr. Strachan £300

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\* See Appendix to Journals House of Assembly, of Session of 1828, on Assessment Laws.

a year. The bill passed, and Dr. Strachan for many years received this sinecure salary, till it was done away with on the address of the House of Assembly.

We have already adverted to the circumstance of the Chief Justice being introduced into the Legislative Council, of which he is Speaker; and altho' the House of Assembly have repeatedly pointed out to His Majesty's Government, the inexpediency, in a limited community like this, of blending the judicial and political duties together, yet the same injurious system is continued. Its impropriety has been lately manifested by the result of a pecuniary negotiation likely seriously to impair the independence of the judiciary and increase the distrust of the people.

The House of Assembly voted £200 a year to the Speaker of the Legislative Council, being the same as is allowed the Speaker of the Assembly, whose duties, as we have already stated, are far more arduous and laborious—but since the acts making the judges independent and providing for them, even undue salaries, a negotiation has been carried on which has ended in giving a further £200 a year out of the Casual and Territorial Revenue to the Chief Justice of the King's Bench.

As long as these pecuniary inducements and bouses can be held out to those occupying the judiciary we cannot consider it practically in a better or safer condition than it used to be : and Your Committee would suggest the propriety of addressing His Majesty's Government on the subject of thus exercising undue influence on the judiciary or even countenancing negocia-

tions derogatory from its presumed independence and purity, which ought to be above suspicion. This additional salary ought to be disallowed.

It appears therefore that the Legislative Council, as at present constituted, has utterly failed, and never can be made to answer the ends for which it was created; and the restoration of legislative harmony and good government requires its re-construction on the elective principle.

The opinions of Mr. Fox, Mr. Stanley, Earl Grey, Lord Erskine, Mr. Ellice, Mr. Hume, Sir James Mackintosh, Mr. O'Connell, Mr. Warburton, and many other eminent British Statesmen, have been expressed in favour of elective institutions as the most suitable for the Canadas; and it appears to Your Committee that Mr. Stanley correctly describes the Legislative Council as being "at the root of all the evils complained of in both Provinces."

The affairs of this country have been ever against the spirit of the constitutional act, subjected in the most injurious manner to the interferences and interdictions of a succession of Colonial ministers in England who have never visited the country, and can never possibly become acquainted with the state of parties, or the conduct of public functionaries, except through official channels in the province which are illy calculated to convey the information necessary to disclose official delinquencies and correct public abuses. A painful experience has proved how impracticable it is for such a succession of strangers beneficially to direct and control the affairs of the people 4000 miles off; and being an impracticable system, felt to be intolerable

by those for whose good it was professedly intended, it ought to be abolished, and the domestic institutions of the province so improved and administered by the local authorities as to render the people happy and contented.

Such appears to have been the constitutional liberty conferred upon us by the 31st Geo. 3rd ch. 31, by which the British legislature enables us to preserve "the peace, welfare, and good government of the province," reserving to His Majesty, as the head of the empire, the power of disallowing any colonial act incompatible with national treaties, with the rights of any other colonies, or with the commercial or general interests of the empire. Such a system of government, securing to the people inestimable blessings, would rather durably enlarge than impair the commercial relations with the parent state, in exchange for which we receive protection; and could in no wise prejudicially affect any benefits now yielded to her, except the loss, if loss it can be called, of that patronage the partial and impolitic distribution of which has ever proved unsatisfactory and injurious to the colony.

It appears to your Committee that it is more important than legislation, rendered fruitless as it is by the Legislative Council, to adopt such measures as are likely to ensure such an alteration in the system of our public affairs as seems indispensable for the peace, welfare, and good government of this important part of His Majesty's dominions. The history of all colonies shew that there has been too much inattention in the British government in the selection of Governors, it being considered a matter merely of patronage with the colonial minister, in Downing Street. Men, from the too long possession of



lucrative power, whatever at first might be their relative stations soon acquire a community of interests, and thus identified in the purpose of sustaining each other in office, they have in this province made common cause against that redress of our grievances, and that conciliation of the public mind, and that economy of the public wealth, which are equally dictated by justice and wisdom.

Although the members of the Executive Council seem from their own account to render no benefit to the country, receiving however a salary from it, yet a very different duty is imposed upon them by the 31st Geo. 3rd, chap. 31, called the constitutional act, from which it appears they are appointed expressly to advise His Excellency upon the affairs of the Province. This they have never done satisfactorily. As far back as the first Session of the 10th Provincial Parliament, the House of Assembly expressed their dissatisfaction to His Excellency Sir John Colborne in the most constitutional mode of doing so, at the opening of the Session of the Legislature; and in the following year the same sentiments were again frankly conveyed to His Excellency in the answer to His Speech from the Throne, by a solemn declaration that the Executive had long and deservedly lost the confidence of the country. In the hope of their just and constitutional wishes being attended to, the people patiently waited for relief, but the relaxation of their vigilance which some remaining confidence in His Excellency unhappily produced has only served to bring disappointment, and to afford a farther opportunity for the accumulation of the abuses which pervade all our institutions.

The growing condition of this part of the Em-

pire, in population, wealth and commerce, requires there should be an entire confidence between the Executive and the Commons House of Assembly; and this confidence cannot exist while those who have long and deservedly lost the esteem of the country are continued in the public offices and councils. Under such a state of things, distrust is unavoidable, however much it is to be deplored as incompatible with the satisfactory discharge of the public business.

When, in the year 1831, His Majesty was graciously pleased to suggest a further provision for the civil list, which the Colonial Minister required to be made either for seven years or for the life of His Majesty, the terms of the proposition were not candidly submitted to the Assembly, and notwithstanding the strenuous exertions of those who desired to make no provision at variance with the spirit of our constitution, the executive influence in the Assembly succeeded in carrying a measure for a permanent and extravagant supply, popularly called "the everlasting Salary Bill," while the liberal and gracious terms proposed by His Majesty on the subject were concealed and known only to those who feeling themselves to be above responsibility consummated a measure which has spread universal dissatisfaction and distrust. If this undue and impolitic concealment was practised from any pretended apprehension that a just provision would not be made for His Majesty's Government by His Faithful Commons, there is nothing in the history of the country to justify it, and as it encroached upon the constitutional privileges of the Legislature, there is no language of censure too strong against it.

It is not this act alone of which we complain, though it may serve to illustrate our condition,

but the whole system has so long continued virtually in the same hands, that it is little better than a family compact. Abuses have grown up so as to be interwoven with every thing; and these abuses are concealed, or palliated, excused and sustained by those who are interested to uphold them as the means of retaining office for their private, and not for the public, good.

Hence it happens that the most gracious intentions emanating from His Majesty's government at home are frustrated by an interested opposition in the colony; an opposition which seldom reaches the knowledge of His Majesty, or His Majesty's Ministers in England, although felt most injuriously by the people. It did indeed lately come to His Majesty's knowledge from the unprecedented conduct of the whole executive and official departments towards His Majesty, when they received, during the late Parliament, the plainest and kindest manifestations of His Majesty's justice and liberality, conveyed in the most gracious manner through the Despatch of Lord Viscount Goderich, now Earl of Ripon; which illustrious statesman His Majesty had wisely placed at the head of Colonial affairs. This highly important document, connected with Mr. Maekenzie's negotiations in England, containing His Majesty's pleasure upon many important subjects, and making many valuable concessions to the wants and wishes of the people, was publicly treated in our Provincial Parliament, by men in office, with an indignity as ungrateful as it was unbecoming, and they even attempted by their votes, happily outnumbered, to suppress the despatch by returning it to His Excellency who was directed by the Earl of Ripon to make it public. On the 24th day of January, 1833, in the House of Assembly, it was moved in amendment

to a motion for printing the despatch and documents, (in accordance with the wishes and instructions of the noble Earl,) that it be

“Resolved, that it is expedient to address His Excellency the Lieutenant Governor, thanking him for His Message of Saturday last, and assuring him that this House is duly sensible of His Excellency’s anxiety to communicate whatever information he may consider important to the welfare of the Province, and informing His Excellency, that this House, for the reasons set forth in the foregoing resolutions, is unwilling to place on its Journals the documents sent down by His Excellency; and requesting him to allow this House TO RETURN THE DESPATCH OF LORD GODE-RICH, and the accompanying documents to His Excellency.”

The House divided on this amendment, and the Yeas and Nays were taken as follows :

## YEAS.

Att’y Gen. (Boulton)	A. Fraser,	Shade,
Berczy,	D. Macdonald,	Solicitor General,
Brown,	McMartin,	(Hagerman,)
Burwell,	McNeill,	Thomson,
Crooks,	Morris,	John Willson,
Elliott,	Robinson,	William Wilson—17.

## NAYS.

Bidwell,	Howard,	Perry,
Buell,	Jarvis,	Randal,
Campbell,	Ketchum,	Roblin,
Chisholm,	Lewis,	Samson,
Clark,	Lyon,	Shaver,
Cook,	A. Macdonald,	Vankoughnet,
Duncombe,	Norton,	White—22.
Hornor,		

From this it appears. that the two Crown officers, and other public officers, were in a minority of five in an attempt to send THE DESPATCH of Lord Goderich back to his Excellency. The same conduct was pursued by them upon all the divisions upon that question, as will be seen by a reference to the Journals of that date.

The Crown Lawyers and other officers had

directed their objections both against the despatch and the documents which accompanied it ; nor was Lord Goderich personally spared. All the members of the present Executive Council joined in an unanimous vote in a similar expression of censure against this communication of His Majesty's pleasure. Nevertheless they still continue in the service of His Majesty over his Canadian people, who have on various occasions utterly renounced and disclaimed these indecorous and impolitic proceedings. Thus was exhibited in the Provincial Legislature the political phenomenon of men repelling in an insulting manner the gracious concessions of their Sovereign and presumptuously interposing between him and his people as an insurmountable barrier to his royal benefactions.

On another occasion, the same disregard of the views of His Majesty's Government was openly practised by the repeated expulsions of one of the members for the County of York ; and altho' the latter expulsions were effected against the case of Mr. Wilkes in the British House of Commons, against the well established law of the land, and against the well known judgment of His Majesty's Government, officially communicated by a Despatch to His Excellency, and by His Excellency communicated to Mr. Solicitor General Hagerman ; yet in this open and unconstitutional invasion were found the Law Officers and various persons favoured with His Majesty's confidence, by holding offices of honor and trust during pleasure. And on a late occasion when the present Parliament voted the above proceedings, by a vote of 28 to 7, to be expunged from the Journals as subversive of the liberties of the whole body of the electors of the Province, Mr. Hagerman was found, with others, in the minori-

ty against their obliteration, altho' the only retribution that could be made to the injured constituency of the country. We, by all means, concede the undoubted right of the members of both branches of the Legislature to vote independently as they please, but we deny the expediency of allowing the justice and executive duties of His Majesty to flow through such unworthy channels, and thereby weaken the confidence of the people in the sincerity of His Majesty's Government.

His Majesty's Government, after much consideration, procured the passing of a law in Lower Canada, for the purpose of raising a fund for the relief of destitute emigrants; after which, all the Executive functionaries in this Province were active in getting up addresses at public meetings against the measure as impolitic and unconstitutional. And while His Majesty was anxious to preserve harmony between Upper and Lower Canada, the same public characters agitated questions and measures, (such as the annexation of Montreal to Upper Canada,) which threatened the dismemberment of the sister Province against her consent, and to engender between the two Colonies ruinous animosities.

This is a state of things which, the British nation, it is presumed, cannot desire to perpetuate against us. After the right was conceded to the present United States, at the close of the Revolution, to form a constitution for themselves, the loyalists took refuge in this Province; and, by an act passed in 31st year of Geo. 3. they received the charter of their liberties, conferring upon them a constitution for their peace, welfare, and good government. His Excellency, Governor Simcoe, was entrusted with the duty of putting it into operation, and in the first speech

delivered by him from the throne, he made the following memorable declaration :—“ I have  
 “ summoned you together under the authority of  
 “ an Act of the Parliament of Great Britain,  
 “ passed last year, which has established the  
 “ British Constitution, and all the forms which  
 “ secure and maintain it, in this distant colony.”  
 And upon closing the same session he said  
 “ I particularly recommend to you to explain  
 “ that this Province is singularly blest, not with  
 “ a mutilated constitution ; but with a constitu-  
 “ tion which has stood the test of experience,  
 “ and is the very image and transcript of that of  
 “ Great Britain.”

It is reasonable for the people to desire to see these declarations from the throne, recorded on our Journals, faithfully observed by those in the confidence of His Majesty, and that these institutions may be made such as will secure to them their civil and religious liberties to their just extent. This country is now principally inhabited by loyalists and their descendants, and by an accession of population from the mother country, where is now enjoyed the principles of a free and responsible government ; and we feel the practical enjoyment of the same system in this part of the empire to be equally our right ; without which it is in vain to assume that we do or can possess in reality or in effect “ the very image and transcript of the British Constitution.”

The House of Assembly has, at all times, made satisfactory provision for the civil government, out of the revenues raised from the people by taxation, and while there is cherished an unimpaired and continued disposition to do so, it is a reasonable request that His Majesty’s adviser in the province and those about him should pos-

sess and be entitled to the confidence of the people and their representatives, and that all their reasonable wishes respecting their domestic institutions and affairs should be attended to and complied with.

Your Committee would respectfully recommend that, besides the usual number for the Journals, a large edition of this report, with the evidence and other appended documents, should be printed in a portable form, as early as possible, and distributed among the members of the House, for general circulation throughout the colony.— And, as the affairs of the Canadas will probably occupy a large share of the attention of the Imperial Parliament during its present session, it might perhaps be advisable to transmit to London a certain number of copies for distribution among those members of the Legislature who take an active interest in Canadian affairs.

W. L. MACKENZIE,  
CHAIRMAN.

T. D. MORRISON,  
DAVID GIBSON,  
CHARLES WATERS.

*Committee Room, House of Assembly, }  
10th April 1835. }*



## ORDERS

*Of the House relative to the foregoing Report and other Documents to be printed in this form.*

“Ordered—That, besides the usual copies for the Journal, two thousand copies of the Report on Grievances this day presented to the House, together with the Evidence, and the Report and Evidence in the case of William Forsyth, with the address and answer, be printed in pamphlet form for the use of Members and that the Clerk be directed to address them to the Members, with the Bills on Trade, &c. formerly ordered to be printed during the recess.”

Truly extracted from the Journals of the Assembly of Upper Canada, of the 10th April, 1835.

JAMES FITZGIBBON,  
*Clerk of Assembly.*

Mr. MACKENZIE, seconded by Mr. YAGER, moves that the Clerk be directed to prepare at the close of the present Session, lists of the titles of all Bills, which having originated in this House during the last or present Sessions of the Legislature, were rejected or declined to be acted upon by the Legislative Council; or which, having been so sent up were altered by the Legislative Council so as to cause their subsequent rejection in this House; or which having originated in, and been passed by the Legislative Council, were afterwards rejected by this House; stating also the titles of any Bills which being passed in the Legislative Council and Assembly, are refused the Royal assent or reserved for the consideration of His Majesty; and that such lists of titles be annexed to and printed with the last Report of the Committee on Grievances, as ordered by the House to be printed in pamphlet form, as also the Leeds Ballot Bill, with the votes at its passage; the Bill to amend King's College Charter, with the votes; and the General Education Bill from the Select Committee on Education, with the votes.

Mr. ROBINSON, seconded by Mr. MORRIS, moves in amendment, that all after the word “moves” in the original motion, be expunged, and the following be inserted:

“That the order for printing two thousand copies of the last  
ASSEM. No 21.      a

"Report on Grievances be rescinded, and that the said Report be not entered on the Journals of this House."

On the question of amendment :

## YEAS

Caldwell,	McLean,	Robinson,
Cornwall,	Macnab,	Rykert,
McCrae,	Malloch,	Solicitor General,
McDonell of Glen- garry,	Merritt,	Taylor,
McDonell of North- umberland,	Morris,	Walsh,
	Richardson,	Wilkinson—17.

## NAYS

Alway,	McIntosh,	Shibley,
Bruce,	Mackenzie,	Thorburn,
Chisholm,	McMicking,	Waters,
Cook,	Moore,	Wells,
Duncombe, Chas.	Morrison,	Wilson,
Durand,	Perry,	Woolverton,
Gibson,	Roblin,	Yager—25.
Gilechrist,	Rymal,	17
Hopkins,	Shaver,	—
		8

Question lost, majority eight.

In amendment to the original question, Mr. Morris, seconded by Mr. Roblin, moves that the following be added to the original motion, "and that the private letters from Bishop McDonell to the Rev. W. J. O'Grady, appended to the report of the Grievance Committee, be expunged and not printed by this House, nor entered on the Journals."

## YEAS.

Caldwell,	Macnab,	Roblin,
Cornwall,	Malloch,	Rykert,
McCrae,	Merritt,	Solicitor General,
McDonell of Glen- garry,	Morris,	Taylor,
McDonell of North- umberland,	Richardson,	Walsh,
	Robinson,	Wilkinson—17.

## NAYS.

Alway,	McIntosh,	Smith,
Bruce,	Mackenzie,	Thorburn,
Chisholm,	McMicking,	Waters,
Cook,	Moore,	Wells,
Duncombe, Chas.	Morrison,	Wilson,
Durand,	Perry,	Woolverton,
Gibson,	Rymal,	Yager—17.
Gilechrist,	Shaver,	17
Hopkins,	Shibley,	—
		8

Question lost—majority, 8.

On the original question :

## YEAS.

Alway,  
Bruce,  
Chisholm,  
Cook,  
Duncombe, Ghas.  
Durand,  
Gibson,  
Gilchrist,  
Hopkins,  
McCrae,

McIntosh,  
Mackenzie,  
McMicking,  
Malloch,  
Moore,  
Morris,  
Morrison,  
Perry,  
Roblin,  
Rymal,

Shaver,  
Shibley,  
Smith,  
Thorburn,  
Waters,  
Wells,  
Wilson,  
Woolverton,  
Yager—29.

## NAYS.

Caldwell,  
Cornwall,  
McDonell of Glen-  
garry,  
McDonell of North-  
umberland.

Macnab,  
Merritt,  
Richardson,  
Robinson,  
Rykert,

Solicitor General,  
Taylor,  
Walsh,  
Wilkinson—12.

Original question carried by a majority of sixteen.

Truly extracted from the Journals of the Assembly  
of Upper Canada, of the 11th April, 1855.

(Signed)

JAMES FITZGIBBON,

*Clerk of Assembly.*



APPENDIX  
TO 7th REPORT ON GRIEVANCES.

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MINUTES OF EVIDENCE

TAKEN BEFORE THE

Select Committee on Grievances,

To whom was referred Lord Goderich's Despatch of the  
8th November, 1832.

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THURSDAY, FEBRUARY 5th, 1835.

WILLIAM LYON MACKENZIE, ESQUIRE,  
*In the Chair.*

LIEUTENANT COLONEL WILLIAM ROWAN, *Secretary to the Lieutenant Governor, called in and examined.*

1. Whose business is it to make out this return? [The return of the names and the offices held by members of the Legislative Council and Assembly of Upper Canada shewn to witness.]—It was made out under my superintendence.

2. The first name of a member holding office is that of Mr. Boulton, then Attorney General,—Why are his salary and allowances set down at £300, when it was well known they amounted to four times that sum?—I would rather not answer that question, without seeing the original returns from the different officers. *Additional Remark.*—I now find that no further provision was made by the Legislature for the Attorney General until the 13th February, 1833.

3. If a member of the House of Assembly, holding office, makes an incorrect return to the Government, does the Government office correct the error?—Certainly, if known to

be incorrect. The case of Mr. Boulton was an error and discovered after the returns were printed.

4. Can you inform the Committee why these returns were so long delayed?—I cannot tell why, except that it took a very considerable time to collect the returns from the different officers. They were transmitted on the 28th March, 1833.

5. Have Mr. Boulton and his children never received more than one acre of land in Upper and Lower Canada?—I cannot say, except by referring to his own return.

6. Did not Mr. Burwell hold the office of Deputy Post Master at Port Talbot in 1832-3?—I cannot say. I believe he did.

7. Mr. Richard D. Fraser's emoluments as collector of customs at Johnstown and Brockville are set down at £152 6s.6d.—Do you know on what data that return is made out?—On his own return, I believe. No collector can receive more than £100 a year per centage.

8. Was not the office of Custom House Officer conferred on Mr. Van Koughnet, while he yet remained a member of the Assembly, and continued to sit and vote therein?—It was—he was appointed in October, 1832.

9. Lord Goderich refers to the annual returns of the official establishment of the Colony, as a proof of the smallness of the incomes of the public officers and the impossibility that it should interfere with the freedom of elections—can you produce these returns to the committee?—I cannot produce any returns without permission of the Executive Government. I do not think there is any wish to withhold them.

10. Are not the late elections in the city of Toronto, and the efforts made by Mr. Sheriff Jarvis, a high salaried officer, a proof of the justness of the complaint alluded to in Lord Goderich's despatch "that public officers are enabled, by their superior influence to overpower, by a lavish and corrupt expenditure, those who have no other recommendation than their own personal characters?"—I am not prepared to say.

11. Does the Governor alone, or the Governor in Council, appoint the Collectors of Customs, and Excise Officers of the Colony?—The Lieutenant Governor alone appoints these officers, generally upon the approval of the Inspector General.

12. Did Mr. R. D. Fraser petition or apply for the Office of Collector of Customs, or on what grounds was it given him?—I cannot say; he was appointed long before I came to the province.

13. Was not Mr. Fraser a member of the Assembly

for a county when he received the appointment of Collector of the Customs?—I do not know.

14. Is it no part of the instructions of the Government to the collectors of customs that they shall personally attend to the performance of their duties?—I am not aware of what instructions are given; they receive their instructions from the Inspector General.

15. It is stated that Mr. Hagerman performs the duty of Solicitor General in person,—he was absent a year in England, was his salary and income the same as if he had been here, and who performed his duties?—Mr. Hagerman was on leave of absence—it is not usual to suspend or discontinue the salary of a public officer under such circumstances. Mr. Draper performed the duties of the office.

16. Mr. Sheriff Jarvis returns £100 salary as part of his emoluments—is that income still continued?—No, he has received no salary since the House ceased to provide the funds. In the case of Mr. Cameron, the salary is continued by a recent order of the Secretary of State.

17. Mr. William Chisholm is put down in this return as holding the office of Deputy Post Master; has he not lately been appointed Collector of Customs at a place distant from his post office?—He has lately been appointed Collector of Customs at Oakville.

18. Is he not a merchant trading at that place, and importing goods?—I do not know that he is a merchant.

19. Is it fit that a merchant should be his own Collector of Customs?—I am not prepared to give an opinion on that subject.

20. When appointed Collector, was not Mr. Chisholm a known candidate for the office of member of the Provincial Parliament in conjunction with his Post Office?—I cannot say.

21. In what manner are Justices of the Peace appointed?—By his Excellency alone, and not with the advice of the Executive Council. I am not aware whether he takes the advice of the Executive Council upon that subject.

22. Why is it that petitions of the inhabitants for the appointment of Justices of the Peace, are often unanswered and neglected?—I cannot say.

23. What mode is adopted for the selection of Returning Officers for counties and towns?—I cannot say.

24. As Civil Secretary to the Lieutenant Governor, do you take an oath of office?—No.

25. As such have you a Commission, or in what way are you recognized as a public officer, except by the charge transmitted for salary?—I am considered merely as a private con-

Confidential Secretary to the Lieutenant Governor, I hold no commission as such, at the same time all communications pass through me. The appointment is notified in the Gazette.

26. Under what authority are your duties regulated?—By the order of the Lieutenant Governor.

27. When was the office of Civil and Private Secretary established?—I do not know.

28. Are all the despatches of the Home Government duly enregistered in your office when received?—They are not registered in any way—they are all kept either in the office or in the Lieutenant Governor's possession.

29. Were there not other Despatches following those of the 8th November, 1832, recommending certain changes in the Executive Council?—I am not prepared to say, I only see such despatches as His Excellency thinks fit.

30. Is all the correspondence of the Secretary for the Colonies, with the Lieutenant Governor, submitted to the Executive Council or only such parts of it as he may think proper?—Only such parts of it as he may think necessary.

31. How would you act if required to give evidence before the House of Assembly, or to depose in any of the inferior Courts respecting Despatches which you had seen?—From the confidential situation I hold, I should not feel warranted in giving any information relative to Despatches or parts of Despatches passing through my hands.

32. The House of Assembly addressed the Lieutenant Governor for full and detailed accounts of the Casual and Territorial, Canada Company's Revenue, &c. for the years 1826, 1827, 1828, 1829, and 1830, after Sir P. Maitland sent an account, and were told by His Excellency that if he got permission from the Home Government he would furnish the accounts. Permission of the fullest nature has been long given, yet the accounts are withheld—why is this?—I cannot possibly say why they have not been sent; I do not think there is any wish to refuse such information, when applied for in the usual manner.

33. The House of Commons twice addressed His Majesty for a statement in detail, shewing what payments had been made in 1831 and 1832, to Bishops, Rectors, Missionaries, or other religious teachers in Upper Canada, whether of the Churches of England, Rome, Scotland, or any other denomination. Why are these returns still kept back?—They were transmitted to England on the 19th September, 1833.

34. Have the returns required by the House of Commons respecting the clergy of the different denominations of christians for 1831 and 1832 been sent to England?—(See answer to last question.)



35. We see, in the Canada Company's returns, a pension entered of £400 Sterling as payable to Mr. Chewett of the Surveyor General's Office—a pension of £400 to Colonel Talbot—a pension or allowance of £500 to the Bishop of Regiopolis—a pension to Sir D. W. Smith in England of £200—a pension to the family of General Shaw of £100—a salary to an agent here for the service of paying these pensions and other sums. These payments are made from the public revenue of this colony. By whose authority are they so made?—No pension or allowance is paid by warrant without the authority of the Secretary of State for the Colonies.

36. Do you not consider the custom of pensioning the Judges to a large amount by order of the Colonial Office, out of the Upper Canada revenue, & without reference to the Provincial Legislature, destructive of the independence of the Bench in a great measure?—I am not prepared to answer that question.

37. Is not the appointment of Public Officers and Magistrates by an irresponsible Executive Government, destructive in a great degree of the power of the people in the constitution?—I am not prepared to answer that question.

38. How can a Bench of Judges, dependent on the Colonial Office for their customary retiring pensions, and independent of the House of Assembly, act impartially between the parties in cases where a collision may arise between the Legislative and Executive Departments in this Colony, or between the British Statutes and the Provincial Laws?—I cannot say.

39. What number of clerks and servants are employed in your office, and under what authority are they so employed, and their incomes regulated?—There are three regular clerks and two messengers, appointed by the Lieutenant Governor and provided for by the Legislature, and one extra clerk, on account of the increase of public business in my office.

40. Who made out the return to the Home Government of the Civil Expenditure for the year 1830?—I cannot say.

41. Where are public balances in the different departments deposited, and what may be the average amount deposited, paying no interest?—I have no means of answering that question—probably the public accountants could give the information.

42. Is the government in the habit of authorizing the sale of large blocks of land to individuals?—I am only aware of one instance in which authority was received from the Colonial Secretary.

43. In what office is the "BLUE BOOK" made up?—For the last two years it has been made up in the Office of the

Secretary and Registrar of the Province, who is responsible for its correctness.

44. What are your emoluments and salary?—Salary £208 6s. 6d.—Fees for 1834 about £600 currency.

45. In the return made by His Excellency to England, Mr. D. McDonald is returned as Treasurer of the Ottawa District—Mr. Burnham a member of the Legislative Council, and Treasurer of the Newcastle District, is reported in His Excellency's return as having no office. Why is the fact as to Mr. Burnham not stated?—The return prepared for the House of Commons was made out from returns furnished by each member of the Legislative Council and House of Assembly—on reference to these returns it appears that Mr. McDonald stated that he was Treasurer of the Ottawa District. Mr. Burnham did not mention that he was Treasurer of the Newcastle District. The appointment does not rest with the Executive Government.

46. In the Blue Book for 1830, the salary of the civil or private Secretary is set down at £182 10s. and no other fees and emoluments. In the account sent to the Assembly for the same year, £347 of fees and emoluments are added to the £182 10s. Who compiled that book, or from what sources of information was it compiled—and can the above difference be explained?—The amount of fees of the private Secretary for one year can never be ascertained for some months after the expiration of the year, when the returns are collected from the different issuers of marriage licences throughout the Province; thus the returns sent to the House of Assembly at the commencement of 1831, could only contain an estimate of the amount to be received for 1830. In consequence of the sudden death of the Private Secretary in June 1831, while the Blue Book for 1830 was in preparation under his direction, the amount of his fees for that year could not be ascertained, but the amount for 1829 was inserted in the Book for that year.

47. In the Blue Book for 1830, the income of Thomas Kirkpatrick, Collector of Customs at Kingston, is set down at £282, and no more. In the account signed by Mr. Kirkpatrick himself, and sent to Lieutenant Governor Colborne to be laid before the Assembly for that year,\* his income is set down at £506, stg.—Whence arises this difference? In the account transmitted by Mr. Kirkpatrick, Collector of Kingston, to the Government office in 1831, he stated the amount of his per centage, fees and portion of seizures for the year 1830, at £562 2s. 4d. the sum stated in the journals of the Assembly is £562 0s. 6d. The mistake can only be accounted for by an error of the Clerk in copying the figures.

\* See Assembly's Journals, 1831.

48. The Blue Book, 1830; mentions £936 11s. 4d. as salary and fees of the Secretary and Registrar, Mr. Cameron—are not £258 12s. of additional fees omitted?—The amount of the Secretary and Registrar's contingent account for 1830, viz. £258 12s. was omitted in the Blue Book for that year, probably from its being considered that that sum did not properly come under the head of salary or emoluments. (See the note to the return in the Journals of Assembly, for 1831.)

49. Why is it omitted to be stated in the Blue Book for 1830, that Mr. Wm. Hands, in addition to the offices of District Judge, High Sheriff, Collector of Customs and Inspector of Tavern and Still Licenses, held the other offices of Treasurer of the Counties of Kent and Essex, Surrogate Judge, and Post Master of Sandwich?—Mr. Hands has not at any time been Judge of the Western District Court, but of the Surrogate Court, which it is presumed was inserted in the Blue Book for 1830. The offices of Treasurer and Post Master being appointments held under the District Magistrates and Post Master General and not notified to the Executive Government are not required to be returned by the Secretary of State.

50. Why were the Sheriffs of the Niagara, Western, and Bathurst Districts, allowed to charge fees on land sales, higher than those authorised by law? [We refer to Mr. Attorney General Boulton's Report, Assembly's Journals, 1831, page 144, printed copy.]—It is not in my power to answer that question.

51. Who compiled the return of the Civil Establishment for 1830, and from what sources was it compiled?—The Blue Book for 1830 was compiled by the Clerks in the Office under the direction of the late Secretary, from returns furnished by the different officers.

52. In the Blue Book, for 1830, Mr. Dunn, the Receiver General, is reported to the Home Government as being in the receipt of £200 and no more. His own return sent to the Assembly through your office for the same year, is upwards of £1000; why this difference?—It appears that in the year 1829, the amount deducted by the Receiver General for his per centage, was inserted in the Blue Book for that year, but in the book for 1830 the column under the head of fees was left blank. This accidental omission may have arisen, either from a second return not having been sent in by the Receiver General in 1831, or from a supposition that the Bill introduced into the House of Assembly in January, 1831, for commuting the per centage and increasing the salary of the Receiver General might make an alteration necessary in the form of the return of his income. It may be observed, with

respect to this omission, that in the returns of 1829 and 1831, the income of the Receiver General is stated, and that about the period when the Blue Book for 1830 was transmitted a memorial was forwarded to the Lords of the Treasury by the Lieutenant Governor from Mr. Dunn, in which all the circumstances relative to the amount of his income and the loss of the per centage were stated.

[The witness withdrew.]

ELIAS MOORE, ESQ., M. P. P. FOR THE COUNTY OF MIDDLESEX, *called in and examined.*

53. Does not the inequality of the system of taxation of rateable property, cultivated and uncultivated, afford just grounds of complaint on the part of the people?—I think it affords just grounds for complaint.

54. Are the unsold lands of the Canada Company subject to taxation or road dues?—I cannot say.

55. Have not the resident settlers, by the improvements they have made, and the House of Assembly, by its liberal grants for roads and bridges and in aid of inland navigation, given to the public lands their greatly increased value as compared with 1792?—Yes.

56. Ought not the revenue arising from these lands to have been applied to the liquidation of the war loss claims, instead of increasing the public debt and duties on imports for that purpose?—Yes, that has always been my opinion.

57. Is it just to the Baptists, Quakers, Methodists, Presbyterians, Independents, Seceders, and other classes of Christians, whose spiritual teachers receive no share of the public revenue for their religious services, that the clergy of the Kirk of Scotland, the Catholic Bishop and Clergy, and the Methodist ministers should, without the sanction of the Legislature, have a bounty paid for the performance of their religious duties?—No, I think not.

58. Would not the British Constitutional system, by which the head of the Government is obliged to choose his councillors and principal officers from among men possessing the confidence of the popular branch of the Legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of government?—I think so.

59. Why have you formed this opinion?—Because under the present system the people have no means of checking misgovernment.

60. Was not the refusal of the Legislative Council of this

Province to assent to the Assembly's bills, in several parliaments, for appointing commissioners to meet those appointed by Lower Canada to consider of matters of mutual importance to both provinces, a proof of the necessity of a change either in the composition or constitution of the Upper House?—It appears to me that it was.

61. The undue preferences and exclusive privileges granted to certain religious denominations are much complained of—Would it not tend to strengthen good government if they were altogether abolished?—I feel confident it would.

62. Would not it be desirable that the Clergy and Crown Reserves, and all reservations of land otherwise than for education, were disposed off or public purposes, under the control of the Legislature?—Yes, in my opinion.

63. Would it not be better that the sale and disposal of the public lands and other public property were in all cases regulated by law?—Yes, I believe it is the general wish of the County of Middlesex.

64. Ought not the whole public revenue to be paid in the gross into the exchequer or treasury of the Colony, and the proceeds applied only according to law?—That would be my wish.

65. Another subject of complaint by the people, is the continual stoppage of the bill for the more equal division of intestate estates—is the passage of that measure desired in your County?—Yes, it is.

66. Many complaints are made that the Judges and Clergymen of the Churches of England and Rome hold seats in the Legislative and Executive Councils—are not such seats incompatible with their spiritual and judicial functions?—I think so.

67. In what manner are justices of the peace appointed in your district?—They are appointed in a manner very unsatisfactory to the people; many of them are men in whom we can place no confidence.

68. Do you consider the Canada Company a benefit or an injury to the Province?—Are not the grants or sales of lands to this Company of speculators residing in Europe an improper transfer of the functions of the Government?—I have always thought the Canada Company one of the greatest curses ever entailed upon the Province.

69. A very large sum of money collected by direct taxation is annually entrusted to the Magistrates, they being irresponsible to the people, either directly or indirectly, would it not be more in accordance with the genius and spirit of the constitution if these monies were placed under the control of persons appointed by the qualified electors?—It certainly would.

70. What are your objections to an elective Legislative Council?—I am in favour of an elective Legislative Council, and I believe a majority of my constituents think as I do on that subject.

71. Did not Mr. Burwell hold the office of Deputy Post Master at Port Talbot in 1832-3?—I believe he has held the office ever since 1826.

72. Do you not consider the custom of pensioning the Judges to a large annual amount by orders from the Colonial Office out of the Upper Canada Revenue, and without reference to the Provincial Legislature, destructive of the independence of the Bench in a great measure?—I do.

73. Is not the appointment of public officers and magistrates by an irresponsible Executive Government destructive in a great degree of the power of the people in the constitution?—I think it is.

74. How can a Bench of Judges dependent on the Colonial office for their customary retiring pensions, and independent of the House of Assembly, act impartially between the parties in cases where a collision may arise between the Legislative and Executive Departments in this Colony, or between the British Statutes and the Provincial Laws?—It appears to me, that they could not act independently under such circumstances.

75. Ought not those persons who advise His Majesty in his appointment of fit persons to fill the Judicial Bench to be responsible to the country?—I think they should.

76. Are you of opinion that the Chief Justice or any of the Judges ought to sit in the Legislative Council?—May not the Judge be called on in his Legislative capacity to pass opinions and enact measures of severity against the individual whom afterwards he may be called upon to try, as a judge, in the Courts?—I think none of the Judges ought to have a seat in the Legislative Council.

77. Would not an active agent representing the wishes of the people of Upper Canada in London, be likely to be of great importance to the Commercial and Agricultural interests of the Colony?—I think he would, if we could get one.

78. Is there a hope that the Legislative Council and Assembly, as now constituted, would unite in the choice of such a person?—No—I do not think they would, as now constituted.

79. Are you of opinion that the misapplication of the public Revenue is one grand cause why hundreds of thousands of acres of wild lands had to be sold, of late years, by Sheriff's sale, for arrears of taxes?—It is my opinion that it is.

80. Does not a vast annual additional expense fall on the Province owing to the continual rejection of Bills of a general character sent up by the House of Assembly rejected in the Legislative Council, and again introduced, debated and sent up by the House of Assembly?—It does.

81. Do you think that if the magistrates of each district had been responsible to the people, instead of the executive, that the monies collected from the sale of absentees' lands, would have been more advantageously expended?—I certainly think they would.

82. Do you think the local knowledge possessed by the Lieutenant Governors of this colony generally, sufficient to enable them to nominate independent men otherwise well qualified to the office of legislative councillors?—I think not.

83. The vote by ballot in elections is prayed for in many petitions both to the Assembly and to His Majesty. What is your opinion of this mode of voting?—I think it would be more congenial to the minds of my constituents.

84. Has any inconvenience resulted in your district from the selection of voting places at elections, and what places would you recommend for your county?—There is great inconvenience felt in the present mode of holding elections—I would recommend St. Thomas' and London as the best polling places—I think it would require four days polling at each, the county is so very large.

85. Do you think the Lieutenant Governors, of themselves, possess a sufficient knowledge of the inhabitants of the several districts to enable them to select judicious persons as Justices of the Peace?—I think not, judging from past experience.

*(The Witness withdrew.)*

JAMES WILSON, Esq. M. P. P. (FOR PRINCE EDWARD,) called in and examined.

86. Has any inconvenience resulted in your District from the selection of voting places at elections, and what places would you recommend for your County?—I think it would accommodate the people of the District of Prince Edward if the Elections in future were to be held at Hallowell and Demorestville, three days at each place.

87. Have the monies arising from the sale of wild lands for assessed taxes, or from payments on such assessments on these lands, been prudently expended by the Magistrates in your District?—I cannot speak particularly as to my own District, but in the Newcastle District the proceeds from

wild lands sales have been illegally applied towards the erection at Amherst of a Court House and Gaol.

88. Do you think that the Lieutenant Governors of themselves, possess a sufficient knowledge of the inhabitants of the several Districts to enable them to select judicious persons as Justices of the Peace?—No, I do not. I think a system of favoritism prevails in regard to such appointments. I do not think His Excellency is acquainted with the character of those who are recommended to him. I think unfit men in several cases are appointed and very worthy men neglected.

89. Does not the inequality of the system of taxation of rateable property, cultivated or uncultivated, afford just grounds of complaint on the part of the people?—I think it does; the industry of the country is highly taxed, while the Canada Company Reserves escape taxation.

90. Have not the resident settlers, by the improvements they have made, and the House of Assembly, by its liberal grants for Roads, Bridges, and in aid of Inland Navigation, given to the public lands their greatly increased value as compared with 1792?—I have always thought that it was the industry of the people of this country that has given value to the waste lands of the Colony.

91. Ought not the revenue arising from these lands to have been applied to the liquidation of the War Loss claims, instead of increasing the public debt and duties on imports for that purpose?—I think they ought—I do not think the inhabitants of the country, who did not provoke the war with the United States, ought to have paid the war losses out of their hard labours.

92. Are the Lands granted to the U. E. Loyalists as the reward of their services, of which the first Governor of this Province makes honorable mention, free from taxes and road dues?—No.

93. Is not the natural depravity of the human disposition such, that every Government, unless its measures are subject to the controlling ordeal of public opinion, has a tendency to despotism?—I think it has.

94. Would not the British Constitutional system, by which the head of the Government is obliged to choose his councillors and principal officers from among men possessing the confidence of the popular branch of the Legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible form of Government?—I have not the smallest doubt of it.

95. Why have you formed this opinion?—I have long been of opinion that men have been appointed in this Province to



give counsel to His Excellency who were not properly acquainted with the wants of the inhabitants of the country.

96. Is it just to the Baptists, Quakers, Menonists, Tunkards, Independents, Seceders and other classes of christians, whose spiritual Teachers receive no share of the public revenue for their religious services, that the clergy of the Kirk of Scotland, the Catholic Bishop and Clergy, and the Methodist Ministers should, without the sanction of the Legislature, have a bounty paid for the performance of their religious duties?—I never liked the plan of paying Clergymen money out of the public funds. I think it an erroneous plan altogether and a wanton expenditure of the public money.

97. The undue preferences and exclusive privileges granted to certain religious denominations, are much complained of—would it not tend to strengthen good government if they were altogether abolished?—I think it would—I also think that every good christian would support his own Clergyman.

98. What check would you propose on hasty, partial and injurious legislation in England, affecting the commerce and through it the general interests and prosperity in this Colony?—I think we should have an Agent in England near His Majesty's Ministers; and that, should measures be brought forward affecting our trade and interests, he would be enabled to remonstrate against whatever would operate to our disadvantage.

99. Do you believe that the Legislative Council, as at present constituted, would agree with the people in the appointment of such a person?—The Legislative Council generally have their eye on one class of persons, while frequently the House of Assembly have theirs on a different class. I frequently see a division in the House of Assembly on such subjects. One party being aristocratical in their views, while the other party are constitutional.

100. Would not it be desirable that the Clergy and Crown Reserves and all reservations of land, otherwise than for Education, were disposed of for public purposes under the control of the Legislature?—If that plan had been adopted sooner it would have been of essential service both to England and Canada.

101. Ought not the whole public revenue to be paid in the gross into the Exchequer or Treasury of the Colony and the proceeds applied only according to law?—I think it the most proper way. The Legislature ought to husband well the revenues, and be accountable for the same to the people.

102. What check has the House of Assembly on the other branches of the Government as a means of preventing Executive usurpations of popular rights?—The only check they have is in the imposition of taxes.

103. Another subject of complaint by the people is the continual stoppage of the Bill for the more equal division of Intestate Estates; Is the passage of that measure desired in your county?—It is a measure greatly desired by most of the inhabitants.

104. It is a complaint by many, that the business of Banking in this Province is an injurious monopoly; what are your sentiments on this subject?—My opinion is, that it is an injurious system, unsuitable entirely to the wants of the people—it is beneficial to the few, but injurious both to the agricultural and commercial interests of the Colony.

105. Many complaints are made that the judges and clergymen of the Church of England and Rome hold seats in the Legislative and Executive Councils; are not such seats incompatible with their spiritual and judicial functions?—I think they are—and I think the clergy would be better employed attending to their clerical duties.

106. In what manner are appointments in the Militia made in your district?—There has been a good deal of complaint; those who served in the militia during the late war, also sons of U. E. Loyalists, and other old respectable settlers, complain that persons were placed over them who have no claim on account of their services.

107. What are your objections to an Elective Legislative Council?—If the present system cannot be improved, I would have no objection to its being elective—but if an amendment to the present system could be effected I would stand by the present constitution.

108. Do you consider the Canada Company a benefit or an injury to the Province? Are not the grants or sales of land to this company of speculators, residing in Europe, an improper transfer of the functions of the Government?—I have thought the Canada Company would be an advantage to the country by bringing in a number of respectable settlers, but some objections have arisen in my mind respecting the way they obtained their contract for the large tracts of land from the Government. That they have had it in their power to monopolize and raise the price of the lands now in their hands to the injury of such as wish to settle in the country, and I have understood that they have rather infringed on the political rights of the country.

109. A very large sum of money, collected by direct taxation, is annually entrusted to the magistrates, they being irresponsible to the people either directly or indirectly, would it not be more in accordance with the genius and spirit of the constitution if these monies were placed under the control of persons appointed by the qualified electors?—I think that if

the people had it in their power to appoint a number of discreet men, with the magistrates, to look at the district accounts, and direct, also with the magistrates, the expenditure of the same, that an improvement would be effected.

110. Do you not consider the custom of pensioning the judges to a large annual amount, by orders from the Colonial Office, out of the Upper Canada revenue, and without reference to the Provincial Legislature, destructive of the independence of the bench in a great measure?—I do consider it to be an injurious and oppressive system.

111. How can a bench of Judges dependent on the Colonial Office for their customary retiring pensions, and independent of the House of Assembly, act impartially between the parties in cases where a collision may arise between the Legislative and Executive Departments in this Colony, or between the British Statutes and the Provincial Laws?—I think they cannot.

112. Ought not those persons who advise His Majesty in his appointments of fit persons to fill the judicial bench to be responsible to the country?—I think they ought.

113. Are you of opinion that the Chief Justice or any of the Judges ought to sit in the Legislative Council? May not the Judge be called on in his legislative capacity to pass opinions and enact measures of severity against the individual whom afterwards he may be called upon to try, as a judge, in the courts?—I think it improper that the Chief Justice or any of the Judges should sit in the Legislative Council.

114. Are you of opinion that the misappropriation of the public revenue is one grand cause why hundreds of thousands of acres of wild lands had to be sold of late years by Sheriff's Sale, for arrears of taxes?—I think there is a mismanagement in our policy somewhere—I think that the nature of our standing in the country at present, with regard to a depression or sale of lands, may be attributed to the nature of things at present with respect to various ways in which monies are gathered in the country; for instance, the sums going into the Canada Company—to the College—to the Crown—and to the Clergy Commissioner, have all a tendency to bring on a depression of business and lessen the circulation of money. The nature of our connexion in trade with Lower Canada and the United States, as also the system of Banking, tends to drain the country of its circulating medium. I lost 200 acres of land near this city, which went into the hands of the Hon. Wm. Dickson; and also many persons in the country lost their lands in the same way.

115. Does not a vast annual additional expense fall on the Province, owing to the continual rejection of bills of a gene-

ral character sent up by the House of Assembly, rejected in the Legislative Council, and again introduced, debated, and sent up by the House of Assembly?—Undoubtedly it does.

115. When were you first a member of the Assembly of this Province?—I was first in the House of Assembly in 1808.

116. Do you think the local knowledge possessed by Lieutenant Governors of this Colony fully sufficient to enable them to nominate independent men otherwise well qualified to the office of Legislative Councillors?—I think not; they are generally recommended by other persons. I think there are in the Legislative Council a number of improper persons, particularly those holding office.

117. The vote by ballot in elections is prayed for in many petitions both to the Assembly and His Majesty—what is your opinion of this mode of voting?—I think it the most independent mode of voting, and that the majority of the country would like it.

118. Are the common schools sufficiently numerous and efficient for the wants of the country?—They are not. It is grievous and injurious to the people, the present system—the district schools have not suited the great majority of the inhabitants. The common schools ought to be more numerous by one half, and ought to be better supported.

119. What is the state of the roads in your district? It is indifferent, but better than in some sections of the country, owing to the nature of the soil.

[*The Witness withdrew.*]

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VERY REVEREND DOCTOR W. J. O'GRADY,  
*called in and examined.*

120. You are now connected with the press and the proprietor of a paper?—I am.

121. Do you know any law under which newspaper postage can be collected in Upper Canada, as a perquisite to a postmaster?—None.

122. Are not the letter postage rates, where they exceed one shilling and three pence, currency, on a single letter, (which is the maximum for the greatest possible distance in the United States) injurious to trade and unnecessarily burthensome on this community?—I think so.

124. Would not the British Constitutional system by which the head of the government is obliged to choose his councillors and principal officers from among men possessing the confidence of the popular branch of the legislature, be more suit-

ble to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of government?—I think no unprejudiced man can have a doubt on that subject. Persons filling office to advantage ought always to possess the confidence of the people—and when they have it not, I think, discontent must prevail.

124. Is it just to the Baptists, Quakers, Menonists, Tunkards, Independents, Seceders, and other classes of christians, whose spiritual teachers receive no share of the public revenue for their religious services, that the clergy of the Kirk of Scotland, the Catholic Bishop and clergy, and the Methodist Ministers should, without the sanction of the legislature, have a bounty paid for the performance of their religious duties?—I think it unjust and impolitic. I have been always of the opinion that the ministers of religion should be supported only by the voluntary contributions of their respective congregations—and in my intercourse with the world, in various parts of it, in both hemispheres, I have invariably observed, that where religion or its ministers were connected with the state, its functions were carelessly and improperly discharged, and I have further observed that such a connexion had a direct and infallible tendency to demoralization, it made men, in their political creed, hypocrites, but not converts to any peculiar political system; the truth of this was well understood in Ireland, and hence it was that the catholic population in that country, in conjunction with almost the whole catholic hierarchy, have always opposed such a union, and often repudiated the proffered bounty of His Majesty's government.

125. The Committee understand that large grants of valuable cleared lands have been made of late, to clergymen of the Church of England for glebes. Is this within your knowledge?—I have heard it, but I have no knowledge of it.

126. Would not it be desirable that the clergy and crown reserves and all reservations of land, otherwise than for education were disposed of for public purposes, under the control of the legislature?—I am of opinion that all those reserves should be made available for the public welfare, and be under the exclusive control of the legislature of the province.

127. Ought not the whole public revenue to be paid in the gross into the exchequer or treasury of the colony, and the proceeds applied only according to law?—Yes.

128. What check has the House of Assembly on the other branches of the government as a means of preventing executive usurpations of popular rights?—I do not believe it has any effectual check, nor do I believe it can have any such check as long as the revenues of the province are suffered to be managed and dissipated as they have been hitherto; my opinion is

that the popular branch of the legislature should have the whole control of those revenues, and until it shall have become possessed of them, it is not the substance, but the mere shadow of a legislative body.

129. Many complaints are made that the Judges, and clergymen of the Churches of England and Rome hold seats in the legislative and executive councils, are not such seats incompatible with their spiritual and judicial functions?—I conceive that they are incompatible with the discharge of their respective functions.

130. You are requested to give your reasons for such a conclusion.—Amongst the many reasons that may be stated by me, I will only mention two, which in my mind are sufficient to sustain me in the answer I have given to the last interrogatory. In the first place it is essential, in my judgment, to the due administration of justice, that the judiciary of a country should be exempt from reproach, and even from suspicion. But I cannot conceive that they can be so exempt when they mix themselves up in the business of the legislature, and suffer themselves to be led by private and family feelings, and often times by the equally culpable motives of political partisanship. This is notoriously the case in this province, so much so, that as far as my observations extend, the judiciary have not that public confidence in the unbiassed discharge of their functions, which is so necessary for officers appointed by His Majesty to administer justice. As to the second part of the interrogatory, I think it must be quite clear to every man that ministers of religion may be more usefully engaged in the discharge of their sacred functions, but independent of this consideration, their previous habits of life, generally speaking, render them unfit for the developement of the intricate science of legislation. I am fortified in this opinion, by the judgment of His Excellency the Lieutenant Governor of this province, who intimated to the Venerable Archdeacon of York, some two or three years ago, that his services could be dispensed with, in both the legislative and executive councils, and I have reason to believe that his judgment was influenced by reasons similar to those I have already stated.

131. Do you consider the Canada Company a benefit or an injury to the province? Are not the grants or sales of land to a company of speculators residing in Europe an improper transfer of the functions of the government?—I think it highly improper and injurious to the best interests of the country, inasmuch as it tends to enrich a few land jobbers at the expense of the people, and inasmuch as it blocks up the country to the industrious, unless they may be willing to pay such sums of money, in purchase, as these land jobbers may think fit to demand.

132. What are your objections to an elective Legislative Council?—Considering the Legislative Council in the abstract, I have no objection to its present constitution, but viewing the materiel of which it is as at present composed, its dependence on the Executive, and its insufficiency for the purposes for which it has been constituted, I should certainly prefer the introduction of the elective principle. For the last seven years I have not been an inattentive observer of this branch of the Legislature, and I have no hesitation in pronouncing it a nuisance that ought speedily to be abated. It appeared to me that almost every popular measure originating in the elective branch of the Legislature met their disapprobation, and that they were hostile to any thing like innovation on the old system of abuses, against which the country has been so long and so justly protesting. From this and many other reasons, that may be enumerated, I am of opinion, that the constitution of the Council should be modified. Nor can I see any modification, that, in the present circumstances of the country, will give it usefulness or effect, save by rendering it elective. Indeed notwithstanding my attachment to what is good in the institutions of the country, I am quite clear that the people are the best judges of the capabilities of the men that are employed in Legislation for their benefit, and that to them alone should be entrusted their appointment. It is impossible, I should think, that a Minister four thousand miles removed from us, can understand the merits and capabilities of our Legislators better than we do ourselves, nor, judging from past appointments, can we be even sure to find in the impartial representations of the Executive, to His Majesty's Government, a sufficient security against the appointment of unfit persons to that exalted office.

133. Can you give this Committee any information with respect to any bargains made between the Colonial Government and the Canada Company?—I would rather not answer that question.

134. The Committee has a right to the information it requires.—The only knowledge I have touching any transaction or bargain of the Company with the Government is derived from private conversation I have had with the head of the Executive. I do not know that this conversation was confidential, but certainly it was private, and, therefore, I should deem it an especial favour if this Honorable Committee would hold me excused from giving the required information.

*(The Witness withdrew.)*

FRIDAY, 6th day of FEBRUARY, 1835.

DOCTOR JOHN JOHNSON LEFFERTY, OF STAMFORD, *called in and examined.*

135. Has any inconvenience resulted in your District from the selection of voting places at Elections and what places would you recommend for your County?—I could not answer that question at present.

136. What is the most convenient polling place in the 3rd Riding of Lincoln?—I cannot tell, I am opposed to Riding Elections altogether.

137. Are the Common Schools sufficiently numerous and efficient for the wants of the country?—No they are not.

138. Do you think the Lieutenant Governors of themselves possess a sufficient knowledge of the inhabitants of the several Districts, to enable them to select judicious persons as Justices of the Peace?—No, I am certain they do not.

139. Does not the inequality of the system of taxation of ratable property, cultivated and uncultivated, afford just grounds of complaint on the part of the people?—I think so. A man owning 200 acres of land with perhaps 60 acres improved, will pay 7 days statute labor, while a poor laborer not worth a shilling, will be assessed 3 days.

140. Have not the resident settlers by the improvements they have made, and the House of Assembly by its liberal grants for roads, bridges, and in aid of inland navigation, given to the public lands their greatly increased value as compared with 1792?—Yes.

141. Ought not the revenue arising from these lands to have been applied to the liquidation of the war loss claims, instead of increasing the public debt, and duties on imports, for that purpose?—I think they ought. I think the government ought to have given us lands immediately after the war, to have paid off the losses.

142. Are the lands granted to the U. E. Loyalists, as the reward of their services, of which the first Governor of this Province makes honorable mention, free from taxation and road dues?—They are not.

143. Would not the British constitutional system, by which the head of the government is obliged to choose his councillors and principal officers from among men possessing the confidence of the popular branch of the Legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of government?—I think the Executive Council ought to be amenable to the House of Assembly, and that the Governor ought to be obliged to consult them.

144. The undue preferences and exclusive privileges granted to certain religious denominations, are much complained of; would it not tend to strengthen good government if they were altogether abolished?—Yes, I think it would.

145. Would not it be desirable that the Clergy and Crown reserves and all reservations of land, otherwise than for education, were disposed of for public purposes, under the control of the



Legislature?—I think all these lands ought to be put under the control of the legislature.

146. Would it not be better that the sale and disposal of the public lands, and other public property, were in all cases regulated by law?—Yes, I think it would.

147. Ought not the whole public revenue to be paid in the gross into the exchequer or treasury of the colony, and the proceeds applied only according to law?—Yes, I think so.

148. What check has the House of Assembly on the other branches of the government, as a means of preventing executive usurpations of popular rights?—Not any—the House of Assembly is a mere shadow.

149. Another subject of complaint by the people is, the continued stoppage of the bill for the more equal division of In-  
testate's Estates—is the passage of that measure desired in your county?—Yes, every where, as far as my knowledge extends.

150. What bank notes are chiefly circulated in the riding in which you live?—Chiefly the Agricultural Bank, they are three to one of the other Banks.

151. Many complaints are made that the Judges and Clergymen of the Church of England and Rome hold seats in the Legislative and Executive Councils, are not such seats incompatible with their spiritual and judicial functions?—I think they are.

152. In what manner are Justices of the Peace appointed in your district? By the Governor.

153. What are your objections to an elective Legislative Council?—I think we would not be doing right towards the mother county, to have the election of the whole of the Legislative Council—I think two thirds of the Council ought to be elected by the freeholders.

154. Do you not consider the custom of pensioning the Judges to a large annual amount, by orders from the Colonial Office, out of the Upper Canada Revenue, and without reference to the Provincial Legislature, destructive of the independence of the Bench, in a great measure?—I think it a hardship that the Home Government should have the power to send us men 50 or 60 years of age, and pension them soon after, and employ others—I think they ought to be pensioned and provided for by the Legislature alone.

155. Are you of opinion that the misappropriation of the public revenue is one grand cause why hundreds of thousands of acres of wild lands had to be sold of late years by Sheriff's sale for arrears of taxes?—I do not know that this is the case.

156. Does not a vast annual additional expense fall on the Province, owing to the continual rejection of bills of a general character, sent up by the House of Assembly, rejected in the Legislative Council, and again introduced and debated and sent up by the House of Assembly?—Yes, there is no doubt of it.

157. Do you think the local knowledge possessed by the Lieutenant Governors of this colony fully sufficient to enable them to nominate independent men, otherwise well qualified to fill the office of Legislative Councillors?—No, I do not think they have sufficient knowledge.

158. The vote by ballot in elections is prayed for in many petitions both to the Assembly and to His Majesty, what is your opinion of this mode of voting?—A man that has not firmness and independence of mind to come forward and vote openly and decidedly, ought not to have a vote at all—but in the present state of things in this country, I think it would be better to vote by ballot, which I think would prevent a great deal of knocking down and picking up, and would save a great deal of time in trying contested elections.

*(The Witness withdrew.)*

WILLIAM DUNLOP, ESQ., WARDEN OF THE FORESTS TO THE CANADA COMPANY, called in and examined.

159. What was the original value of a share in the Canada Company?—£100.

160. Was that the nominal value?—It was the amount which the Company had the power of calling. The Company had an additional power of doubling the capital in case two-thirds of the subscribers agreed to it.

161. What sum has been paid on each share?—In 1824 there was £10 paid, between that and 1833 there was £7 more, and since that there was 10s.

162. What is the Exchange value in London?—The Stock Exchange value touched £53, latest information gives 42. This is not in any way connected with the operations of the Company, but is owing to the scarcity of bullion arising from the quantity exported to the United States, and the hoarding of bullion consequent on the unsettled state of Europe.

163. Another subject of complaint by the people is the continual stoppage of the bill for the more equal division of Intestates' Estates—is the passage of that measure desired in the country?—I do not know whether it is desired or not, but I think it would be a bad measure if it was passed. It has been tried in France, under the Code Napoleon, and in Lower Canada under the Norman Law, and its effect always is, by frittering down farmers, to degrade the farmer into a peasant; and in every part of Scotland where small holders, or, as they are there termed, "Bonnet Lairds," agriculture is in a most wretched condition, and they themselves in poverty and distress.

164. What are your objections to an elective Legislative Council?—Because I think it would do away with the power of the Crown entirely, and make us a Republic.

165. Do you not consider the custom of pensioning the Judges to a large annual amount by orders from the Colonial Office, out of the Upper Canada revenue, and without reference to the Provincial Legislature, destructive of the independence of the bench in a great measure?—No, I think all public officers when they are past work should be liberally pensioned—and that in the case of the Judges a regulated sum on which they might retire should be provided by law.

(The witness is shewn the Post Office Return and asked.)

166. What mode would you recommend for the better government of the Post Office, and for allowing the control thereof to the colony?—Let the Governor appoint the Postmaster General, & let his accounts be audited as all other public accounts are.

167. What check would you propose on hasty, partial and injurious legislation in England, effecting the commerce, and through it, the general interests of this colony?—I can see of no good way unless by having an agent in England.

168. Do you think in the present state of the Legislative Council and House of Assembly that there is the least likelihood that they would agree upon the person to be the agent?—I cannot tell, it would be worth while trying.

168.\* The Committee understand that large grants of valuable cleared lands have been made of late to clergymen of the Church of England for glebes—is this so within your knowledge?—I am not aware of it.

169. Would it not be desirable that the Clergy and Crown Reserves, and all reservations of land, otherwise than for education, were disposed of for public purposes, under the control of the Legislature?—I do not think so, for I think the Legislature have shewn themselves utterly incapable of managing their own matters, as witness the Welland and St. Lawrence Canals. I consider the St. Lawrence Canal not necessary in the present state of the country.

170. Would it not be better that the sale and disposal of the public lands and other public property were in all cases regulated by law?—The land I do not conceive to be public, but in the possession of the Crown, as much as Hyde Park, Windsor Park, the clergy lands are in a fair way of being alienated.

171. Ought not the whole public revenue to be paid in the gross into the exchequer or treasury of the colony and the proceeds only applied according to law?—Certainly.

172. What check have the House of Assembly on the other branches of the government as a means of preventing executive usurpation of popular rights?—The same that the House of Commons has—they can withhold supplies.

173. Have many law suits been entered into with the Company's settlers?—One with Bergin for things he furnished to the Company's Clerks, and another now pending with Van Egmond respecting the balance of a road account. No settler of the Company has ever been ejected from a lot.

174. Are the Common Schools sufficiently numerous and efficient for the wants of the country?—Certainly not. The system of New England of taxing all for the support of schools and compelling by law parents to send their children to school appears to me the only way to ensure education in the present circumstances of the country.

175. Are not the letter postage rates, where they exceed one shilling and three pence currency on a single letter, (which is the maximum for the greatest possible distance on the United States) injurious to trade and unnecessarily burdensome on the community?—I think so.

## EVIDENCE OF

176. Have not the resident settlers, by the improvements they have made, and the House of Assembly by its liberal grants for roads, and for inland navigation, given to the public lands their value, which is due, as compared with 1792?—Certainly.

177. Would it be more equitable to give from these lands to have been applied to the liquidation of the war loss claims, instead of being employed to pay the debt, and duties on imports for that purpose, than the best of my belief the Canada Company was intended for the express purpose of paying the War Losses.

178. Is it just to the Baptists, Quakers, Menonists, Tunkers, Independents, Seceders, and other classes of christians, whose spiritual teachers receive no share of the public revenue for their religious services, that the clergy of the Kirk of Scotland, the Catholic Bishop and clergy, and that the Methodist Ministers should, without the sanction of the Legislature, have a bounty paid for the performance of their religious duties?—I think it would be well if these payments were extended to all or to none—I was always of opinion that they would be better employed in educating the youth of the province.

179. The undue preferences and exclusive privileges granted to certain religious denominations are much complained of. Would it not strengthen good government if they were altogether abolished?—I think so—I have always been of that opinion.

180. Would not the British Constitutional system, by which the head of the government is obliged to choose his councillors and principal officers from among men possessing the confidence of the popular branch of the legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of government?—It would be more suitable to common sense, because it is an anomaly in legislation that a ministry should exist which neither the King nor the people can remove.

181. What are the prices at which the Company is now selling lands in the Huron Tract?—From 8s 9d to 15s.

182. Are the Company's wild lands subject to taxation, like other wild lands?—Yes, in the Huron Tract they are—the moment land is surveyed in that tract it is ours, we having paid for it; in the Crown Reserves it is otherwise, because, by the second agreement we obtained a pre-emption of the Crown Reserves, so that until we apply for them they belong to the Crown.

183. So that the effect of the bargain is, that these reserves stand in blocks and lots in the midst of the settled lands of the province, without being taxed in any way? Yes, had the first agreement stood it would have been ruinous to us; we would have had taxes to pay on two millions of acres. The moment a letter of licence passes from the Company to the settler the land is subject to taxation. The taxation to which the Company were subject on unsold lands in the Huron Tract amounted to about £1,800. That part of the Huron Tract, unsurveyed, pays no taxes.

184. What is the average price paid the Company for reserves in the unsettled townships?—The first year it was about 9s and the last about 11s 6d.

185. Do you sell to settlers chiefly for ready money or on credit, and if on credit is it with or without interest?—All on credit with interest. Occasionally a lot is sold for ready money—five years in six instalments is the general time allowed.

186. How has the increase of value on the stock been affected?—From the great increase of emigration, and the money brought into the country by emigrants, much more extensive sales have been made than were during the first three years. Money being more plentiful also has rendered the second payments on instalments more regular, and seeing a business steadily going on has inspired the shareholders with confidence.

187. What number of shareholders are there?—I do not know.

188. Where do they chiefly reside?—In London and the neighbourhood; I should think some in Scotland.

189. Will not this monopoly eventually draw several millions sterling out of the province without conferring on the settled population any adequate advantage?—I think that laying out £165,000 sterling will amply compensate the province for any sums that may be drawn from it.

190. What amount has been paid in of stock by the shareholders?—Say from £160,000 to £170,000 sterling, a very small part of which has been expended at home.

191. Could you produce to this Committee any detailed statements shewing the expenditure in this colony?—We have no printed copies in the office here shewing the expenditure—they are annually published in England.

192. Does the Company's charter confer banking powers?—I think so—but Serjeant Spankie and Sir John Campbell think not; it was decidedly intended that it should.

193. Are you aware of any loans having been made by the Company to the Colonial Government for improvements?—There never has; Serjeant Spankie and Sir John Campbell are of opinion that we have not the power to make such loans.

194. What sum has been allowed in the present agreement between the Government and the Company to be deducted from the purchase money, and expended in improving the lands?—Nearly £48,000 currency, to be expended in the Huron Tract, on Roads and Bridges, Harbours, &c.

195. How much of this allowance has been expended?—£26,000, within a fraction.

196. Have detailed statements of this expenditure with the vouchers been laid before the government here?—All but I think about £3,000 of the last summer's expenditure, which is now making up.

197. Who judges of the fact of the expenditure?—The governor alone—he appoints persons to inspect the works. The Company are to get no part of those townships unsurveyed prior to March 1834.

198. What price per acre was paid for the Huron Tract?—That I cannot tell, but I think it was about 2s 6d per acre. The bargains of the Company are, I believe, on the journals of the House, or among its papers.

199. What is the number of shares?—Originally one thou-

and. In 1826 there was a panic in the money market—during the mania that preceded that panic, the shares, though nothing had been done, though the charter had not been obtained, and though little was known in London about the prospects of the Company, arose to £37 premium: when the panic commenced in 1826, the credit of Joint Stock Companies fell, and that of the Canada Company with them; shareholders to the amount of £10,000 or 1,000 shares took advantage of a new arrangement that had been entered into with His Majesty's Government, by which the Huron Tract was given in lieu of the Clergy Reserves, and withdrew from the association, receiving the full amount of the money they had paid without the last term of interest, so that the number of shares held now is over 9,000.

200. Have the persons who have shares in that Company received dividends on the instalments paid in?—They have nominally received 4 per cent. interest, though in reality it can only be called a paying back of part of the principal, seeing, that during the whole period the Company have been drawing for instalments wherewith to pay the interest.

*(The Witness withdrew.)*

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COLONEL A. G. W. G. VAN EGMOND, *Ross, Huron Tp.*  
*Huron Tract, called in and examined.*

201. What price did the Canada Company pay for the Huron tract?—About two shillings and tenpence half-penny per acre, sixteen years credit, without interest, and £48,000 sterling, allowed off to improve their own land, which I believe would be equal to about one shilling sterling per acre.

202. What are they selling the lands for?—From 12s. 6d. to 13s. 9d. per acre.

203. What is the extent of the tract?—They got one million two hundred thousand acres, from which one hundred thousand were deducted for a swamp.

204. How long have you been settled in the Huron Tract?—Six years this Christmas. I am the oldest settler in that tract.

205. Have the company taken proper means to encourage and promote the settlement of the tract?—For the first year, in Goderich alone; since then they have taken no pains to assist the settlers. Last year, there was a steamboat employed to bring settlers from Detroit to Goderich. Instead of attending to that they went several times on pleasure trips up Lake Huron, once for three weeks or so at a time. By that trip the settlement lost 60 Scotch families. From the best information I can obtain, we lost from 250 to 300 families, who chiefly settled in Michigan, and the other states, because the Company neglected them.

206. Are the Agents to the Company kind to the settlers?—No—they are, with the exception of Mr. Wilson, very arbitrary; they are very tyrannical. I speak of the agents residing on the tract.

297. What magistrates and Court of Request Commissioners have you!—Charles Prior, Jno. Brewster, and Captain Dunlop. They do just what they please. There are nineteen Townships in the Huron Tract, and only these three Magistrates.

298. Have the Company made any road in the tract?—Yes, one from Wilmot to Goderich, and one from Vandersburg to London village. These roads extend upwards of ninety miles, and will cost about £17,000, which is allowed them out of the purchase money. The Company have also laid out about £5000 for Grist and Saw Mills.

299. Have any settlers been ejected from their farms?—Yes, they are scared out of the tract and ejected without any form of law or justice. Many persons have been driven out of the Territory, there is no other law there except what the Company's servants make. We must be very polite to the Agents.

300. Are the Company empowered to impose on settlers such terms as they please!—Yes, they are.

301. Is there any difficulty in getting titles or letters of occupation?—They have sometimes to wait a little, but they get them. Public lands sell in the United States at 6s. 3d. per acre, and are likely to be brought down to 3s. 9d.

302. Do the Company take large sums out of the country?—Their profits in 1833, were £28,000, sterling, after paying all expenses—the Stockholders chiefly reside in England.

303. Do the European working settlers express themselves satisfied?—Dissatisfied in the highest degree, from whatever quarter they come.

304. Are there any Schools?—One in Goderich. The Company do not now support any other school that I know of.

305. Is money plenty?—Perhaps as much so as in any other place. Mr. Tayler keeps a private Bank, and issues notes from one dollar to a pound—they circulate among us.

306. In case Huron should be formed into a county where would be the best polling places?—One at Goderich, and one at the place where the big Thames River crosses the Huron Road, about thirty-three miles from Goderich.

307. Where do the magistrates lay out the monies they receive for wild land taxes?—I do not know.

308. What is the established religion in your Tract?—There are no ministers of religion of any kind in the Tract, nor is there any militia.

309. What is the population of the Tract or country?—Report says 2,000.

310. How do the Company pay for the work they get done?—For the first five years they paid two-thirds of the labor in land, at 7s. 6d. (which cost them not much more than one shilling per acre) and one-third in money.

SATURDAY, FEBRUARY 7th, 1835.

THE VERY REV. DR. W. J. O'GRADY, *again called in and examined.*

221. The Committee informed the witness that as the conversation alluded to by him, on his previous examination, was not confidential, nor relating to private and personal affairs, they were desirous to obtain information as to the agreement with the Canada Company.

The only knowledge I have, regarding any transaction or bargain between the Executive of this Province, and the Canada Company, arises from the conversation alluded to in my previous answer, which I had had with His Excellency the Lieutenant Governor some three or four years ago. He stated to me that the Company threatened the resignation of their charter in consequence of the continuation of the sales of the Crown and Clergy Reserves in this Province. He further said that the Commissioners complained, that the Company sustained a serious injury from these sales, and that something should be done to stop their mouths. He then spoke to me regarding the Huron Tract and said that he was thinking of having it conveyed to them. I took the liberty of suggesting to His Excellency that it would be better for the interests of the country to accept the proffered resignation; he immediately replied, what in that case would we do for money? How, for instance, would we pay the different Churches? I understood them to mean by this, the Churches receiving pensions by order of His Majesty's Government. These Lands, or this Huron Tract, was shortly after conveyed to the Company. This is the substance of the conversation that passed between the Governor and me on that occasion.

222. Are you aware whether the grants by the Colonial Office to the Catholic clergy out of the Revenues of this Province, have been applied to the purposes for which the Government intended them?—I know they have not.

223. Have you any proofs of a misapplication?—The monies passed through my hands, as Vicar General of the Diocese, for several years, and it came within my knowledge that they have been misapplied. Its misapplication was frequently complained of by the Clergy and the laity. It was complained of in the first instance, I believe, some five or six years ago, by the Reverend Angus McDonell, the Bishop's nephew, and the Rev. William Fraser, two officiating Clergymen of this Diocese, in a petition to His Excellency Sir John Colborne, and subsequently in a petition from the Rev. William Fraser to His Majesty's Secretary of State for the Colonies, which was left in the Government office for the purpose of being transmitted. When those Petitions were laid before His Excellency he sent for me to inquire my opinion of the course it would be most prudent for him to pursue in such circumstances. I humbly suggested that copies should be forthwith furnished to Bishop McDonell, with a view to obtain from him such detailed information regarding His Majesty's appropriation as would enable him to come to a just deci-



sion on the matter complained of. His Excellency did so, and shortly after the Bishop arrived in this town, and directed me to use my influence with Mr. Secretary Mudge to have the whole affair quashed. He said that he was not prepared to go into such an investigation, and desired me to make overtures to Mr. Fraser, to induce him not to press it. Others of the Clergy, namely, the Rev. Messrs. Cullen, Gordon, Dempsey, and Cassady, made frequent complaints to me in my official character of Vicar General, of the mal-appropriation of this fund on the part of the Bishop. The Rev. Mr. Cullen stated that he was obliged, against his conscience, to give the Bishop receipts for money he never paid him, representing himself to be a schoolmaster, though he never had been such; and further said that his conscience was so tortured on this subject, that he, on one occasion, walked from Glengarry to Montreal, to consult Rev. Mr. Roque, of Montreal, whether he could, under any circumstances, continue to grant the Bishop such receipts in future. A commission was appointed by the parishioners of this city, some three or four years ago, to enquire into this appropriation, together with other matters of Ecclesiastical polity. The Report of the commissioners is in my possession, and it appears there, from the evidence of the clergymen already named, that gross speculation has been committed on this fund. The Commissioners made a representation of this to His Excellency the Lieutenant Governor in January, 1829, but to no purpose. A subsequent representation was made to him, but inquiry was denied, and it was strangely assumed, in contradiction of the most positive testimony, that the Bishop had applied the whole according to His Majesty's benevolent intentions.— I then found it necessary to put myself in communication with His Majesty's Local Government, and with the Colonial Secretary, in Downing Street, on this subject; and though I stated that the monies passed through my hands, and that one fourth of the whole was usually reserved for School Masters, and that out of the residue large sums were occasionally paid, (on one occasion £212 10) to the Bishop's order, which was never accounted for, and that to my certain knowledge the Bishop was in the habit of applying portions of these monies to his own private purposes, and that upon one occasion I paid to him, therefrom, by a check on the bank of Upper Canada, the sum of £40. to pay his expenses to Sandwich, in the Western District; and other sums at various times, yet it was assumed against this proffered evidence, that the Bishop acted with the strictest integrity and propriety. I am in the position to prove, unequivocally, before any tribunal, that His Majesty's bounty, in this regard, has been most shamefully abused, and the Clergy already named by me, if called upon, can prove it, though, perhaps, not to the same extent. Not only did the Bishop misapply the monies, but he even went so far as to direct me to give  $2\frac{1}{2}$  per cent. to the Lieutenant Governor's private Secretary for the simple performance of the official duty of his office as such Secretary. The correspondence I here offer in evidence.

(The witness here gave in the following papers:—A Letter to Witness from Bishop M'Donell, and a note from Mr. Mudge.)

Kingston, 8th June, 1829.

Rev. and very dear Sir,

In the same envelop with this I send you a power of Attorney for Mr. Mudge to enable him (to enable him) to draw the salary of the Catholic Clergy-men and schoolmasters of this Province, from Government.

I authorise you to leave  $2\frac{1}{2}$  per cent of the money in the hands of Mr. Mudge as a small acknowledgment for the trouble and any expense that may attend the procuring of the warrant and drawing of the money. When drawn he will hand it to you for distribution, and you will be so good as to write to the different individuals to inform them that you have the money, what sum each is to receive, and how they are to draw for it.

I have been told that Mr. Fraser may prosecute me for the forty pounds I paid to you at York, because it would appear that he is in possession of a letter of mine authorising him to draw upon Mr. Baby to that amount, and he has been telling to others although not to myself that he will compel me to pay those forty pounds.

To save myself therefore from farther trouble from my friend on this score you must pay him the share that was put down for him in the distribution of the current half-year £35 in lieu of what was ordered to him in the preceding half-year, and it will be necessary to obtain his acknowledgment to that effect.

*Query.*

I shall write to Mr. Campion if you approve of it and order him to put himself under your directions for some time till his health be re-established. I think he might be of great service to you in carrying your plans into execution, and in paying occasional visits to the rear Townships attached to the Mission of York.

Mr. Angus has taken his departure for Bytown but Mr. Fraser is still here.

I feel anxious for the appearance of the pastoral letter which I have been expecting by every steam-boat for a week past. Also for the Theological Book, you were so kind to promise to lend to Mr. Chisholm and the Concordance to me. Please to give any parcel or letters you may have for me to the Clerk of the Niagara steam-boat or to the Captain himself and they shall be safely conveyed to me.

I beg you will be so good as to present my kind respects to Colonel Baldwin, to Mrs. and Mr. O'Grady, and my warm regard to the dear little fellows.

I remain with great esteem and sincere regard,

Rev. and dear Sir,

Your faithful servant and fellow-labourer in the Lord's Vineyard,  
ALEXANDER MACDONELL, Ep. Rector.

P. S.—What progress do you make in your Catechistical Society? Have you got out the Patent Deed for the School Ground?

If you do not make your Rev. Brethren pay for their postatge and your own trouble, it will be your own fault.

To Rev. Wm. J. O'Grady, }  
M. Ap. York. }

Wednesday, 17th June.

Dear Sir,

I have the honor to acknowledge the receipt of a letter from Bishop M'Donnell which you were good enough to forward to me, and in which it appears arrangements had been made that I should receive the money paid to the Roman Catholic Clergy in this Province, and transfer it to you; but as it would be incompatible with the duties of my office to become in any way a private agent, I have written to the Bishop by this post to inform him of this, and I have returned the power of Attorney which his Lordship enclosed to me.

I have the honor to be,

Dear Sir,

Your obedient and faithful servant,

Z. MUDGE.

The Rev. Wm. J. O'Grady.

224. What allowance was made in 1827 to Wm. P. M'Donald as a Catholic Priest?—There was no uniform allowance to any Clergyman—all depended upon the caprice of the Bishop.

(The witness gave in the following receipts from the present Vicar General.)

Parish of St. Andrews, County of Stormont,  
20th October, 1827.

£78 15 0

Received from the Right Rev. Alexander M'Donnell seventy-eight pounds fifteen shillings currency, being my salary as a Roman Catholic Priest from September, 1826, to June, 1827, in witness whereof I have hereunto set my hand this twentieth day of October eighteen hundred and twenty-seven.

JOHN M'DONALD, Priest.

Glengarry, November 15th, 1828.

Received, of this date, from the Hon. James Baby thirty-six pounds eight shillings and six pence sterling, as my half-yearly share of the Government allowance to Catholic Clergymen and Schoolmasters.

WM. P. M'DONALD.

St. Raphael, Glengarry Upper Canada, Dec. 22, 1827.

Received from the Right Reverend Alexander M'Donnell, eighty pounds currency, being my salary from September eighteen hundred and twenty-six, to the thirteenth of June, eighteen hundred and twenty seven.

WM. P. M'DONALD.

St. Raphael, Glengarry, Upper Canada, Dec. 31, 1827.

Received from the Honorable James Baby, the sum of forty pounds sterling, being my half yearly salary as a Catholic Priest, from the thirtieth of June to the thirtieth of December, one thousand eight hundred and twenty seven.

WM. P. M'DONALD.

225. Referring to your former answer respecting an Established Church, have you any proof that the Bishop exercised a political influence over his Clergy in conjunction with the Governor of this Colony?—He got up a petition against Mr. Mackenzie, attended a public meeting in Mrs. Jordan's Inn, and harangued the people; and by the most inexcusable misrepresentations, obtained signatures to said petition inducing the signers to believe, from Altars dedicated to the service of Religion, that the document to which he invited them to affix their names was intended solely for the advancement of the Catholic Church. Shortly after, he left here for Penetanguishene, accompanied by the Rev. Messrs. Gordon and Crevier; and Mr. Gordon told me that he stopped on his way, to perform Divine Service in the Catholic Church of the Township of Toronto. and that he did on that solemn occasion, instead of preaching the morality of the Gospel, inveigh in the most violent and unbecoming manner against William Lyon Mackenzie. He went from that to Adjala, where he parted from the Rev. Mr. Gordon, having given him previous instructions to obtain signatures in the best manner he could to a blank paper, which he left him for that purpose. The Rev. Mr. Gordon told me that he was shocked and scandalized at the manner in which this political crusade was conducted. I myself have frequently heard the Bishop preach, before, and after the event here alluded to, and his sermons, invariably, as far as I have been able to judge of them, presented a strange and incoherent medley of politics and christianity. The following letter from the Bishop affords the best evidence.

(The Letter respecting Mr. Crevier and the Yankee Methodists was given in.)

*St. Raphael, County of Glengarry, }  
January 23rd, 1831. }*

Very Rev. and Dear Sir,

We have begun and we must finish with the Rev. Mr. Crevier, Letters from the Messrs. Baby and from Sister St. Patrick, of which I send herewith copies, were brought here by the last post but one. Those letters prove the imperious necessity of removing Mr. Crevier from the parish of L'Assumption without further delay, and although it be with very great reluctance that I could think of giving you the fatigue and trouble of executing so disagreeable a commission, I find I have no alternative but to intrude once more on your good nature, and obliging disposition, by requesting that you would take a second journey to Sandwich and put the finishing hand to the work you have already begun in that parish.

You will receive along with this full and ample powers from me to deal with the Rev. Mr. Crevier as circumstances may require, either to remove him to another mission, and the one that would suit him best is that of Penetanguishene, because the greater part of his hearers there would be Indians; or withdraw his faculties, or if necessary suspend him at once. Should any part of his parishioners be seduced by him to resist your authority, and ferment the spirit of discord and dissension in the congregation, those

must be dealt with as rebellious and schismatic; and even if the whole or a majority of them prove refractory, *quod Deus avertat*, we would rather you to put the parish under interdict and lock the door of the Church than allow the Divine authority invested in us to be thus despised and trampled upon.

The holy days being now past, I trust you will find it practicable to take a second jaunt to Sandwich, as soon as possible after the receipt of this letter, and as you are not accustomed to speak or preach in the French language, I empower you to take Mr. Cullen along with you in order to announce from the pulpit your orders and instructions to the Catholics of Sandwich. After dismissing Mr. Crevier you will leave Mr. Cullen in his place until I get that parish supplied with another Clergyman.

I have no doubt that you will find the Messrs. Baby and the well disposed part of the congregation ready to second your laudable efforts to bring the confused and mismanaged affairs of that parish into order and regularity, and to put the infant establishment of the female school in a train to continue its progress towards completion.

I would wish you to wait upon His Excellency and to submit to him my intentions and orders in reference to Mr. Crevier—for it has been always a principle of mine from which I would not wish to deviate on this occasion, whenever I found it necessary to resort to an extraordinary exercise of my spiritual authority to do so with the approbation and consent of the temporal power. From the uniform kindness and condescension which we have received from His present Excellency Sir John Colborne, I should hope that he would have the goodness of furnishing you with such recommendation as would procure you sufficient support from the Civil authority of the Western District, on the event of your finding any insurmountable difficulties on the part of Mr. Crevier, or his party, in the execution of our orders. I should, however, be extremely sorry to resort to the civil power, except in case of absolute necessity, at the same time I should not be very backward in giving a broad hint to Mr. Crevier that I was in possession of such a power and should not hesitate to make use of it in case of necessity.

I would advise you to take the Hon. Mr. Baby with you, when you wait upon His Excellency on the business above-mentioned as he is better acquainted than you or I with the characters and matters to be overhauled in Sandwich. From what has already come to the knowledge of His Excellency respecting Mr. Crevier's electioneering transactions, I should trust he would have the less objection that he should be removed from Sandwich, if necessary, and placed in a situation more suitable to his peculiar talents and qualifications, being tolerably well versed in the Indian language, and a thorough-bred *voyageur*, he would be admirably qualified to match the Yankee Methodists, and rescue the poor Indians of Penetanguishine and Lake Simcoe from the fangs of these reptiles.

I remain, with much esteem and regard,

Very Rev. and Dear Sir,

Yours, affectionately,

A. REGIOPOLIS.

226. Have you any other evidence to shew the committee that a baneful influence exists in this Colony injurious to its welfare and prosperity?—I think that the existence of a baneful influence to a great extent cannot be denied by any person acquainted with the circumstances of the Province—It is notorious that all offices of honour and emolument in every department of the Government are monopolized for the most part by some three or four private families and their adherents, to the exclusion of superior talents and integrity, and it is equally notorious that even the meanest office in the patronage of the Executive is only conferred on persons of a particular political bias, and that the country, in consequence thereof sustains serious injury, and that its affections are alienated in a great degree from the local administration. As a corroboration of what I here assert, I give in evidence the following letters from a member of the Legislative Council.

[The witness delivered in evidence the following letters from the Right Reverend the Bishop of the Roman Catholic Church.]

*(The witness withdrew.)*

St. Raphael's, Glengarry, }  
30th Nov. 1830. }

Very Rev. and dear Sir,

Your favor of the 29th September from Sandwich, and your interesting and valuable communication of the 20th October from York, are both before me. A very severe cold which confined me to my room for several weeks, prevented me from replying to them till now. I shall take them in the order of their dates: Mr. Fluet's conduct in deserting his post at Amherstburgh, without the sanction or even the knowledge of his superiors both surprises and disappoints me very much: it is so contrary to the general tenor of his conduct since I have known him.—On reflection, and coupling this transaction with the circumstance of his going through Sandwich without waiting on you, I suspect that he imbibed no favorable impressions from his host and confere at Niagara, which makes me sincerely regret that he had been left exposed to the seduction of a character whom I now begin to think of a more designing and dangerous description than I was aware of at one time. I shall write to Mr. Fluet to hold himself in readiness to return to Amherstburgh, how soon His Excellency will have the goodness to restore his salary to him, and I request you will use your utmost exertion and influence with His Excellency to have that done as soon as possible. Do not fail to acquaint Mr. Fluet the moment you succeed with His Excellency.

The names I wish to be inserted in the Deed of Trust, for the glebe land in York, are my own name and that of my successor in office, and those of the Parish Priests of York, and of Kingston for the time being, and of the Honorable James Baby, and of Alexander McDonell of York, Esq.

I have been greatly disappointed at not having the honor of receiving His Excellency under my humble roof here as I had been given to expect. It was too late in the season when he arrived in

Kingston, and he told Mr. Wm. McD. that he could not venture this length, but that he would write me soon. Thus have I been deprived of the opportunity of talking to His Excellency on the various subjects you were so kind to suggest. I beg, however, you will thank His Excellency for his great condescension in mentioning his reasons for not appointing the persons I recommended to him at Kingston for Commissions of the Peace. His Excellency must have come to a determination of withholding their appointments from those persons in consequence of private information received of their character. There are secret foldings in the magistracy of Kingston, which I could develop if necessary; for the present suffice it to say, that there is a knot or junta of Magistrates in Kingston, as exclusive and hostile to Catholics as any corporation in Ireland, who will never admit a Catholic into their body if they can, more especially an Irish Catholic—and of all the men on earth Mr. Walter McCuniff, for very substantial reasons which I could mention to you *viva voce*, but would not choose to commit to paper. You may present my humble respects to His Excellency, and say, that being personally acquainted with the major part of the Magistrates of Upper Canada, I do not hesitate to assert that one half of them, not to say more, are not better qualified to discharge the duties of Justices of the Peace than every one of those I recommended in Kingston, and you may add, that it is my full conviction that until a certain proportion of Catholics get into the Commission of the Peace there will never be peace and security in the province.

Mr. Campion called here on his route to his native country; I understand from him that he was to visit Montreal and Quebec. He wrote me previous to his departure from Niagara, that it was his intention to spend some time in England, and perhaps in France, and pressed me hard to send him an order on you for his quota, which I did on the terms we agreed on at Niagara, viz: that he should previously place the money he collected for building a Church at Niagara, in the hands of Mr. Cullen or the Elders, and this was a *conditio sine qua non*. When here, I told him he might as well leave his quota in lieu of the collection being nearly of equal amount. How he managed I do not know, but if I understand Mr. Micon right, he did not seem to act in Montreal to his satisfaction.

Your proceedings in Sandwich demand my most grateful and sincere thanks. On that subject I have much to communicate to you which will supply ample subject for more letters than one; the task we have undertaken is an arduous one, but we must go through with it; the able manner you began the work gives me great hopes that you will bring it to prosperous issue.

Believe me to be with high esteem and regard,  
Most sincerely yours,

† ALEX. MACDONELL, Ep. R.

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*Glengarry, 1st December, 1830.*

Very Rev. and dear Sir,

Along with this you will receive a copy of my mandate to the Rev. Mr. Crevier, and to J. Bap't Baby, Esq. approving

of the resolutions entered into at the meeting held in your presence at Sandwich, of the Curate and Church Wardens of that Parish, on the 3d of October last, confirming the appointment of the Committee nominated on that occasion, and ordering them to proceed immediately to the discharge of their duty. If you think proper to forward it to Mr. Crevier to convince him that I entirely approve of what you have done, and that you continue to act under my authority I shall be well pleased.

A copy of it has been forwarded to Mr. Crevier and another to Mr. Bap't Baby.

A petition signed by a few of the Church Wardens and a number of the Parishioners of Sandwich, praying to overturn what had been done at the meeting of the 3rd October last, before you, and proposing another plan of their own, has been sent me. On the perusal of this petition, the first idea that occurred to me was to return an angry answer to it, but upon reflection I thought it better to treat it with the contempt it deserved, and to send no answer at all; My approval of the former meeting, and my orders to carry the resolution of it into execution being in my own opinion a sufficient answer. Mr. Crevier's conduct towards the religious women at Sandwich has been every thing but what it ought to be, or might be expected from his clerical character and situation as the pastor of a flock. If you get out a patent deed of the lands granted by the Huron Indians for the use of the Parish of Sandwich, in trust to the Bishop of the Diocese and his successors in office, and to the Parish Priest of York, for the time being, and to Francis and Bap't Baby, Esqrs., that ground may easily be cleared then of carpenters and blacksmiths shops, and every other nuisance that can prevent the premises from the use for which the donors intended them. It is indeed a matter of no small surprise that the business has been so long neglected, considering that there have been an Executive Councillor and a member of the Provincial Assembly both Catholics, and both natives of Sandwich; but a still greater matter of surprise and chagrin is that the lot given by the late Bishop Burke for the use of the York Mission should, for the saving of a few dollars, be sold for the taxes, when our friend the Honorable James Baby, our friend Alexander Macdonell Cullechie, our friend Mr. Bergin, and your friend Peter Macdougall, were on the spot. The speculative genius of the two last is too much upon the alert to allow such a chance as that to pass without their knowledge. Ever since I have come to Upper Canada I have invariably observed, that one Presbyterian or one Methodist would give himself more trouble to promote the interest of his religion than 500 Catholics; I am the more confirmed in the truth of this assertion, by the procrastinations and repeated suspensions of the decision of the Council respecting the grant of the lot at the mouth of the River Trent. Had proper energy been applied at first the matter might have been decided at once, but by delaying it, additional obstacles and difficulties have been daily conjured up. The English clergyman of Bellville has held meetings and conferences with the Church of England clergyman of the Carrying Place, &c. Those charitable and disinterested members of the Established Church, not satisfied with one seventh of the whole lands of the Province, must draw up a petition to their Bishop, now at



Head Quarters to prevent the Catholics from obtaining a grant of this solitary lot at the mouth of the River Trent and His Lordship has assured those clergymen that there was not the least chance of our obtaining the Lot.—Hence all the changes and vacillating in the Council, and the important discoveries of its being one day a Church Lot, and another a site for a Town.

Since the death of General Brock till the arrival of his present Excellency I had invariably found an incessant secret influence undermining and counteracting my efforts and exertions to contribute moral and religious instructions to His Majesty's Catholic subjects of Upper Canada. After receiving the Prince Regent's thanks for my own conduct in defence of the Province during the late war; the Colonial Minister Earl Bathurst increased my own salary, and sent orders to the Executive Government of the Province to pay so much annually to a certain number of Catholic Clergymen and Teachers that I was to recommend; but notwithstanding that those individuals had entered upon the discharge of their duty by my directions, and that I produced the positive orders of Earl Bathurst that they should receive their salaries; yet Dr. Strachan and Justice Powell who under the nominal administration of Colonel Smith, Mr. Gore, and Sir Peregrine Maitland actually governed the Province till they quarrelled among themselves resisted the payment of those salaries in defiance of His Lordship's orders for seven years, and obliged me to take two journeys to Europe at no small trouble and expense.

The liberality and manly vigor of Sir John Colborne's mind has kept our enemies at bay since the commencement of his prosperous administration, but his great kindness to us is a sufficient cause for stirring the envy and the malice of those who would wish to keep us for ever in the back ground, and I am sure their secret machinations are in active operation in other matters as well as in depriving us of the lands at the mouth of the Trent, and I am very certain that if you are not upon the alert and do not proceed with both vigour and prudence our Penetraguishine Mission will fall to the ground, and the allowance made to the Missionary or Teacher of the Huron Indians at Amherstburgh will be lost. I however still depend much on your active zeal, and the good intention and justice of Sir John.

I have no words to express my indignation at the disgraceful conduct of the two Missionaries of the Western District towards Francis Baby, Esq. the most independent, the most upright, and I verily believe the most honest member that ever sat in the Provincial Assembly of Upper Canada since its first formation, and a Catholic; to oppose such a man, and lend their baneful influence to support a deep designing enemy of their Holy Religion and of every sincere professor of it!!! Such conduct appears to me not only mischievous, malicious, and disgraceful but down-right madness, and would lead a person to believe that they themselves are really infected with the very crime which they impute to Mr. Baby.

It requires however no great sagacity to perceive that Mr. Crevier's hostility towards that gentleman is because he conceives him a bar in the way of carrying into execution, his selfish views on the revenues of the Parish and the lands of the nuns. None can be more convinced of the injurious consequence of Mr. Crevier's very improper conduct throughout, nor more determined

to let him feel the effects of it than I. Indeed it was my intention for some time past to remove him, and the only thing that prevented me was the difficulty of getting him replaced. The Bishops of Lower Canada are not much disposed to part with any of their clergy that they find useful for themselves, and those they would most readily part with would be the least useful to us. The tythes and casualties of the parish of Sandwich would be no doubt an inducement to a Canadian priest if those were found to be much greater than his own, but were they ten times greater than they are he would think himself perfectly justified, and even authorised to apply the whole of them in entertaining his friends and enriching his family who seldom turn out the more respectable or the better christians for being pampered on the revenues of the church and the patrimony of the poor.

I would be extremely sorry that the conduct of Messrs. Crevier and Fluet should be exposed before His Excellency, the Lieutenant Governor, and still more so before the Provincial Assembly first because the mischief already done could not thereby be remedied; secondly because a recurrence of a similar evil may easily, and effectually be prevented without resorting to such a measure, and thirdly because very many of the members of the Assembly who are inveterate enemies to our holy religion and most anxious to be furnished with all the weapons they could against it would not fail to seize upon such transactions as took place at Sandwich at the last Election, and turn them to our discredit and disgrace, and it would be difficult to calculate on the consequences. You will be pleased to inform me how soon you will obtain the Patent Deed of the Church land in Sandwich and in the mean time I shall do what I can to procure a religious woman to join those already there. I applied to the Congregation Nuns some time ago but they would have nothing to do with that Institution without they got the land and the whole establishment for themselves without any regard to the poor individuals that had commenced it and had already undergone so much sufferings and privations. I shall hope however to be more successful in some other quarter and meet with more disinterested zeal for religion. What a pity we could not prevail on some of the noble hearted and heroic daughters of St. Patrick to cross the Atlantic and communicate a spark of the love of God, and holy zeal for the religion of Christ which filled their own hearts to the hard and selfish mind of some of our Canadians of both Provinces.

I request to know the time that the lot of land granted by the late Bishop Burke to the mission of York was sold for the taxes, and the person who bought it. Whatever documents I have or can procure to prove the legality of our right to that property shall be forwarded to you.

Please to accept of my most sincere thanks for your kind and friendly offer of quarters under your hospitable roof during my projected visit to York this winter. In truth I ought to be ashamed of all the trouble I have given you and your brother's excellent family all the times I have been at York since you came to it. If I be called thither ex officio, I shall go but not otherwise. For besides the fatigues of so long a journey, the precarious state of the weather, and want of accommodation in this inclement season of the year I find my funds so completely

drained and myself so much involved by educating boarding, and clothing seven or eight ecclesiastics for so many years at my own expense without the smallest assistance from any other quarter except the few pounds that you have been remitting to the two of them that have been teaching here, that I could hardly command to day what would defray my travelling expenses to and from York. I have been obliged to discharge the Canadian ecclesiastic that I had employed for five or six years back in teaching theology, and taking upon myself the task of giving lectures to my young people and of attending morning and evening Religious exercises.

If I cannot make them profound Theologians or highly educated Priests, I trust they will turn out by the grace of God pious and zealous Missionaries, with as much knowledge as will enable them to discharge the duties of their calling with credit to themselves and advantage to their flocks.

I sent up by Mr. Mican of Niagara three Missals one for Mr. Gordon one for Mr. Cullen and one for Mr. Brenan and I shall take up a couple of Chalices and a Ciborium with me when I go up myself to be disposed of where they shall be wanted most.

I am thinking to call a meeting of my Clergy and to lay before them many matters that appear to me necessary for the propagation of our holy religion, the uniformity of church discipline, &c. &c. and I would be obliged to you by letting me know your opinion where such a meeting should take place who should be called to it, and matter that should be discussed at it!

The Post comes but once a week this way and this letter has been by mistake omitted to be sent along with the mandate to the Incumbent and Church-Wardens of Sandwich which I sent to you, but as two copies have been sent to that Priest I shall defer taking harsher measures until I learn what effect that instrument may have.

I beg you will be so good as to offer my kindest regard to your brother and Mrs. O'Grady, and the dear little Brazilians.

And believe me to be, with high esteem and sincere regard,  
Very Rev. and dear Sir, your very humble and devoted servant in our Lord Jesus Christ,

† ALEXANDER, Regiop.

To the Very Rev. Wm. J. O'Grady, V. G.

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*Glenarry, 26th January, 1831.*

VERY REV. AND DEAR SIR:

Your valuable and much esteemed communication of the 9th current came to hand by the last post. I am charmed and delighted with your successful exertions in promoting the sacred cause in which we are both embarked, and I never cease thanking the Divine Goodness who in the decline of my health and mental faculties has been graciously pleased to send me so zealous and so powerful a co-operator as you have already proved yourself to be, in this infant portion of Our Lord's vineyard. What you are pleased to call a mild sway others may perhaps call weakness and inbecility, but we have always made it a principle of action never to resort to extremities until the nature of the case rendered coercive measures necessary. There is a point beyond which indulgence

and forbearance cannot be carried, without swerving from duty, and betraying the sacred trust committed to our charge; the Rev. Mr. Crevier having at length driven us to that point shall find us as firm and determined in the execution of our duty as we had been reluctant to adopt harsh measures while there remained any hope of milder ones sufficing. In my last letter I trust you would find my orders and instructions regarding Mr. Crevier sufficiently ample.

When you get to Sandwich, and shall have arranged the most important part of your business there, you will send for Mr. Fluett and make such arrangements with him as you may find expedient, after having taken all the necessary informations respecting his different missions of Amherstburgh, the River Thames, and Bal-down. You are at liberty to fix his residence at either of the two first places where you will judge it most conducive to the good of religion, but I think Amherstburgh ought to be his principal residence.

It gives me heartfelt pleasure to find you so well satisfied with the few clergymen I have been able to send under your jurisdiction and control.

The greatest satisfaction that I can enjoy in this life and I may say the only one is hearing of the good conduct, and well doing of those ecclesiastics I have been struggling to educate and train up for the sacred ministry. Although not profound theologians nor deeply versed in abstruse sciences, I trust they will be guided by the influence of a true apostolic spirit and prove sufficiently capable to afford the necessary moral and religious instructions to those under their spiritual directions to secure their eternal salvation.

The zeal and activity of the Catholics in the townships mentioned in your letter in co-operating with the Missionaries in building churches, and diffusing the sacred principles of our holy religion is no small addition to my consolation and comfort on this occasion; but the credit of their conduct, and of the wonderful progress of the good work, is next to Divine Providence due to you whose judicious plans and wise regulations they only carry into execution. I have three more ecclesiastics now in the third year of their theology, one of these I find necessary to retain about myself, the other two I could spare and would be glad to send you one of them if you wished it, but Mr. Campion has taught us not to make them too soon their own masters, and, therefore, for the future no clergyman shall have charge of a mission until he be one or two years under the surveillance and command of an elder missionary.

I admit the justness of your observation in reference to the Rev. Mr. Fluett, but I trust you will do your utmost to preserve the pension for the teacher of the Indians of Amherstburgh whether it be Mr. Fluett or any other you may settle in that place.

I hereby give you full and ample powers to make the exchange required with our excellent friend Colonel Allan between the land in Wilmot and in Guelph, and I shall be ready to sign any instruments that may be necessary when I get up to York. I feel extremely happy and return you many thanks for obtaining the patent for the lands granted to the nuns and Parish Church of Sandwich. So far from accusing you of inertness, or inactivity that I feel in-

debted to you and give full credit for all the acquisition that this Diocess has made since you have been at York, which is more than was done for the whole time previous. Your Petition for the Lot at the mouth of the River Trent I very much approve of as an energetic, respectful, and a very spirited one. From the shuffling and unmanly conduct of the Council in this affair, you will now be convinced of the truth of my assertion that a secret influence is constantly at work to arrest the progress of the Catholic Religion in this Province. It affords me much gratification that you have so wonderfully advocated the cause of our friend Mr. MacCuniff. It is true enough, that several of the Magistrates of Kingston are afraid of him and have good reason to be so, because were he to expose the very improper conduct of some of them which he has in his power to do, they should never sit upon a Magisterial Bench in Kingston or elsewhere, and His Excellency needs not dread a deficiency of as worthy and as able characters to fill the Bench of Magistrates in Kingston as those who threaten to resign in the event of McCuniff's appointment.

The truth is there is an Augean Stable to clean out in Kingston, and perhaps the sooner the work is done the better.

I return you my most grateful thanks for your kind and generous suggestion of applying the proceeds of the lot of land near York to the liquidation of my debts; but although upwards of five thousand pounds behind hand between the new Church of this Parish and other Churches with the expenses of supporting my Ecclesiastics and other outlays for religion I am unwilling to appropriate any of the small property given for the use of the Church as long as I can, in full reliance that his Divine Majesty for whose honor and glory I have involved myself in difficulties will in His Gracious Goodness extricate me out of them. I shall do every thing in my power to obtain as soon as possible the documents you desire in reference to the lot above mentioned.

I send you herewith the distribution for the half-year from the 1st of July to the 31st December, 1830 and give you permission to alter it to a certain extent if you think that by doing so it will afford more general satisfaction.

Our friend Mr. Fraser who has made a very decent competency by his savings and speculations in Kingston does not appear to me entitled to a quota. Your confrere the V. G. of Kingston has been a good deal out of pocket in improving the Church and Presbytery without any prospect of being refunded. the Rev. Angus M'Donnell's quota has been increased at your own recommendation and for very cogent reasons. There will remain a small surplus of £20 sterling, which you can keep in your own hands in the mean time,—there ought to be some fund established to meet contingencies. Your travelling expenses to Sandwich must be taken out of some place.

It is my intention to have a meeting of my Clergy at Kingston as soon after the Easter holy days as possible to put the affairs of the diocess on a more regular footing than they have been yet. We have much to arrange then, and it will require the united wisdom and experience of all to concert and adopt plans the best adapted to promote the interest of our holy religion.

I shall be much obliged to you by hearing from you on receipt of this, and informing me the precise time you will start for Sandwich.

likewise if you are desirous that I should send you any of my Ecclesiastics, but you must not forget that I would not wish to entrust him with the charge of a mission, but only to serve under a Clergyman of greater experience for one or two years.

I expect to go to Montreal soon to procure the necessary documents respecting the lot of land bequeathed by the late Bishop Burke to the mission of York.

With most respectful compliments to your brother and Mrs. O'Grady, not forgetting my dear little Brazilians.

I remain with warm and sincere regard, and very high esteem,

Very Reverend and dear Sir, your most obedient,

And very humble in Our Lord J. C.

† ALEXANDER M'DONELL, Ep. Regiop.

To the Very Rev. W. J. O'Grady, V. G.

TUESDAY, FEBRUARY 10th, 1835.

JAMES KING, ESQ., BARRISTER AT LAW, *called in and examined.*

227. Have you a copy of the petition of the churchwardens of the Roman Catholic Church in this city presented to His Excellency previous to Dr. O'Grady's departure for Rome?—I have not.

228. Have you any recollection of a petition by the Rev. Wm. Fraser of St. Andrews, to His Excellency Sir Peregrine Maitland, complaining that he had not for some years received the allowance made to him by His Majesty as a clergyman of Kingston?—I copied the petition for him—it was afterwards signed by him and laid before His Excellency in Council. I understand that Bishop M'Donell and Mr. Fraser compromised the matter afterwards. The sum allowed Mr. Fraser, as he stated to me, was £100 per annum.

229. Do you know of a petition presented by the Rev. Angus McDonell and the Rev. Wm. Fraser, to the Lieutenant Governor, complaining of the undue distribution of the allowance from the Colonial Office?—In the memorial of the churchwardens to His Excellency we prayed for a copy of that petition, as we understood it to contain a charge of peculation against Bishop M'Donell.

230. Was it refused?—His Excellency's answer was, that the original petition was sent to Bishop M'Donell, and that it was not yet returned, but he had written for it. We never got the copy, nor heard of it since.

231. Were you a petitioner to the House of Assembly last Session complaining of the misapplication of the public monies granted to the Roman Catholic Clergy and School Masters?—I was. Upon a motion to refer it to a Special Committee of enquiry, the House refused to comm't it. It was signed by the Roman Catholic Laity generally, at least by all who were applied to. The petition complained in the first place of His Majesty's supre-

macy over the Church—of tythes payable to the Roman Catholic Clergy—of the misapplication of £1000, sterling, granted for the support of the Clergy Schools—that no Roman Catholic School-house had been erected in this city. And very few, if any in the Province—the petitioners further requested immediate enquiry into the appropriation of £1000, and the abolition of all pensions and sinecures payable to the Clergy—an additional allegation was, that there were few, if any, Catholic Schools in the Province.

232. Do you know what Roman Catholic Schools have been established from the proceeds of the Royal bounty?—I have never heard of any in the Province.

233. What reason had you for believing that the £1000 was misapplied?—The Rev. Mr. O'Grady was parish Priest at this place. He had the distribution of a part, or the whole of the distribution, under the Bishop's order. He shewed me a check in Bishop M'Donell's favour for £40 on the Bank, which he said was to pay the Bishop's travelling expenses to and from Sandwich. I was aware that this was a misapplication of the funds. There was another case. I understood that Mr. Angus M'Donell the Bishop's nephew, got his share of the Government appropriation, (although it was refused to Mr. Crevier, whom the Bishop removed,) on the supposition that his tythes were sufficient for his maintenance. After Mr. M'Donell's removal to Sandwich—After Mr. Crevier was removed he spent the winter with Bishop M'Donell, who gave him a check for a portion of this money, although he, Mr. Crevier, was not in charge of any parish. With regard to the mal-appropriation, I was one of the Committee appointed at an adjourned meeting convened by Bishop M'Donell, to enquire into and report upon the state of the Roman Catholic Religion in Upper Canada. The Rev. Lawrence Dempsey gave in evidence before us, that he was obliged to sign receipts to Bishop M'Donnell in the capacity of Schoolmaster, for monies he never received, and that he never was a schoolmaster. The Rev. Mr. Gordon's evidence was a corroboration of Mr. Dempsey's. Mr. Gordon is now officiating clergyman at Niagara. It was given in evidence that a quantity of Sacred Vestments and Church Plate had been presented by Cardinal Weld for gratuitous distribution amongst the Clergy of the Province, and that they were sold to those Clergymen by Bishop M'Donnell, who took their notes and stopped the amount out of the Government appropriation. I was a member of the commission appointed by the Roman Catholic congregation of the Parish of this city, who enquired among other matters into the application of £250, sterling, paid by Government for Roman Catholic Schools, as a part of the annual grant to the Clergy. Doctor O'Grady gave the following evidence before us "that when the Rev. Mr. Cullen was ordained into the priesthood, he declared to him (Dr. O'Grady) his readiness to testify on oath, that he never acted in the capacity of a school master, and moreover that he was forced against his will and conscience by the Bishop to give him receipts for monies that were never paid him, either as being such alledged Schoolmaster or otherwise."

(*The Witness withdrew.*)

COLONEL ALEXANDER CHISHOLM, M. P. P.—*called in and Examined.*

234. How many Justices of the Peace are there in the County you represent, and how many in each Township?—A new Commission has been issued since I left Glengarry. When I left home there were nine Magistrates resident in Charlottenburgh—three in Lochiel, one in Lancaster, but none in Kenyon.

235. Are the Justices of the Peace resident in your County chosen exclusively from one party in politics, or indiscriminately from respectable men entertaining various political opinions?—I am not aware that the appointments were made with reference to the political opinions of the persons appointed.

236. Are men chosen to fill the Commission of the Peace, and the offices of the district who have been long resident in it; or are strangers more generally preferred?—I cannot answer that question positively.

237. What Bank notes have the greatest circulation in your district?—I cannot say; I expect there are as many Lower Canada Bank notes as any other.

238. What is the state of the roads in your District?—Bad.

239. Are the common schools in your District sufficiently numerous and efficient for the wants of the country?—They are numerous, but not efficient.

240. Do you think the Lieutenant-Governors, of themselves, possess a sufficient knowledge of the inhabitants of the several districts to enable them to select judicious persons as Justices of the Peace?—I should think not. I am rather of opinion that the new Commission was issued upon the recommendation of the late members of Assembly.

241. Has any inconvenience resulted in your district from the selection of voting places at Elections, and what places would you recommend for your county?—I am of opinion that two polling places would be best. The two most central places, in my opinion, are Williamstown and Alexandria.

242. Have the monies arising from the sale of wild lands for assessed taxes, or from payment of such assessments on these lands been prudently expended by the Magistrates in your District?—I rather think that such parts as the law requires to be applied on the roads has been prudently expended. I, as a Magistrate, recommended that the remainder be applied towards paying the expense of erecting the Gaol and Court-house, instead of which, it was applied to Government purposes.

243. Is it just to the Baptists, Quakers, Menonists, Tunkards, Independents, Seceders and other classes of Christians, whose spiritual teachers, receive no share of the public revenue; for their religious services, that the Clergy of the Kirk of Scotland, the Catholic Bishop and Clergy, and the Methodist Ministers should, without the sanction of the Legislature, have a bounty paid to them for their performance of their religious duties?—My opinion of that is, that no particular sect should be required



to contribute to the maintenance of any others—that all should be supported by contributions from their own particular Congregations. If this money be given with a view of facilitating our way to the other world, I think each denomination should pay for the salvation of their own souls.

244. The Committee understand that large grants of valuable cleared lands have been made of late to Clergymen of the Church of England for Glebes, is this so within your knowledge?—No.

245. Do you know if the sum of £6000 of the public monies (in the hands of Bishop McDonell) being lent to the House of Maitland, Gardner and Auldjo?—Only by report.

246. What Schoolmasters did the Bishop bring from Europe?—Four, Mr. Hammond, Mr. Murdock, Mr. McDonald, and Mr. McPherson. I think the latter came from the West Indies.

247. From what funds were they paid?—I cannot tell. I understand that £100 is allowed for each of them by government.

248. Did they teach School?—Three of them taught school in Glengarry for some time. One of them taught a common school.

249. Are there any Catholic School Masters now in Glengarry, paid out of the Government appropriation to such teachers?—I am not aware that there are. Bishop McDonell paid the Schoolmasters referred to in my former answer. It is more than five years since they left. I am aware that the Bishop has been occasionally giving the Common School Teacher at Alexandria some money. I know that he had paid him in all £18—this was about a year or two ago.

250. Out of what funds did the Bishop build the Church at Raphaels?—I have never seen the accounts, though a member of that Church—I have heard a good deal of entreaty made by the Clergy for persons to come forward and assist in getting up the building. I had no personal concern with the building of the Church myself.

251. Was there any government grants towards building that church?—I have no certainty that such was the case.

252. Does the Bishop exact tythes from the Catholics of Upper Canada?—In Glengarry, the clergy exact tythes, under the authority of the old French law.

253. Are there many members of the Church of England in Glengarry?—There are very few, I scarcely know a family, but there are 33,000 acres of land set apart for their clergy.

254. Are there many Catholics in Glengarry?—I think that the County is about equally divided between Catholics and Presbyterians.

255. Are you acquainted with Mr. Gillivray?—I was acquainted with him.

256. Are you aware that he was agent for the Bishop in the collection of notes due for tythes and marriages?—I saw a man pay him money on behalf of the Bishop. I do not know what the note was for.

257. What is the general charge for marrying?—Between two and three dollars.

258. Did you ever hear that the sum of £25 was ever charged

for marriage!—No. But during the building of the Church, I have heard instances of persons signing notes for £25 towards defraying the expense of the building.

259. Did it ever come within your knowledge that the cattle, cows, and chattel property of persons subscribing to the Church, were sold to pay their subscription!—Yes.

260. In what circumstances were these men who were called upon to give their notes for £25 towards building the Church!—Generally farmers.

261. Were any labouring men who were not freeholders, called upon to pay this sum!—I heard of several young men giving their notes, without any reasonable prospect of paying.

262. Was this £25 ever demanded except from persons getting married!—Yes. It was the general average towards paying for the building the Church.

263. Are you aware that Catholic School Houses have been erected, or Catholic School Masters maintained out of the funds provided by the Government!—There was a School House erected at St. Raphaels, but I cannot say from what funds. I am not acquainted with what has been done in other parts of the Province.

264. Does not the inequality of the system of taxation of rateable property, cultivated and uncultivated, afford just grounds of complaint on the part of the people!—I do not think it does, as far as Glengarry is concerned.

265. Have not the resident settlers by the improvements they have made, and the House of Assembly by its liberal grants for Roads, Bridges, and in aid of Inland Navigation, given to the public Lands their greatly increased value as compared with 1792!—I should suppose so.

266. Ought not the revenue arising from these lands to have been applied to the liquidation of the war claims, instead of increasing the public debt and duties on imports for that purpose?—I think that the wild lands should be at the disposal of the Legislature, to be applied to such purposes as they should consider best.

267. What has been the effect produced in your County by the sale of Wild Lands for arrears of taxes? Such as have lost their lands feel dissatisfied.

268. Has the effect been to divide property, or to accumulate it into the hands of a few individuals!—I could not say, until I could see how much each individual has.

269. Would not the British Constitutional system, by which the head of the government is obliged to choose his councillors and principal officers from among men possessing the confidence of the popular branch of the Legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of government!—I think if the Legislature and Executive would pull one way it would be best.

270. What check would you propose on having partial and injudicious legislation in England, affecting the commerce, and through it the general interests and property of this Colony!—

I think that such matters might be left to the wisdom of the Legislature of this Province.

271. Ought not the whole public revenue to be paid in the gross into the exchequer or treasury of the Colony, and the proceeds applied only according to law?—I think so.

272. What check has the House of Assembly on the other branches of the Government as a means of preventing executive usurpation of popular rights?—I should think that the other branches care but little about the Assembly stopping the supplies while they exclusively have the control of the Casual and Territorial Revenue.

273. Another subject of complaint is the continual stoppage of the bill for the more equal division of Intestates' Estates. Is the passage of that measure desired in your county?—I do not know that the county have expressed any opinion on that subject except in the petitions of 1831. My own opinion is, that parents, if they have children, society looks for them to support them equally, and not leave them a burthen on society.

274. Many complaints are made that the Judges and Clergymen of the Church of England and Rome hold seats in the Legislative and Executive Councils; are not such seats incompatible with their spiritual and judicial functions?—I think that with regard to clergymen they have enough to do in their spiritual department.

275. Do you consider the Canada Company a benefit or an injury to the Province. Are not the grants or sales of Land to this company of speculators residing in Europe an improper transfer of the functions of the Government?—I think so, I think it is better there should be no agent in the shape of a land company between the Governor and the Emigrant. I think the Canada Company injurious because whatever money is paid to the company is taken from the sum which might have improved his farm. I think it is better to raise taxes from improved property than to lay them as a weight upon the original settlers—that after persons have made themselves comfortable they are then to contribute to the necessities of society.

276. What are your objections to an Elective Legislative Council, and what are your objections to the Legislative Council as now constituted?—I have not given sufficient consideration to the subject to know how it could be improved.

277. Do you not consider the custom of pensioning the judges to a large annual amount, by orders from the Colonial Office, out of the Upper Canada Revenue, and without reference to the Provincial Legislature, destructive of the independence of the bench in a great measure?—I should think it much better to regulate their retiring pensions by law, having reference to the extent of their services.

278. How can a bench of judges dependent on the Colonial Office for their customary retiring pensions, and independent of the House of Assembly, act impartially between the parties in cases where a collision may arise between the Legislative and Executive Departments in this Colony, or between the British Sta-

tates and the Provincial Laws.—I think human nature has a leaning to the hand that feeds it.

279. Ought not those persons who advise His Majesty in his appointment of fit persons to fill the judicial bench to be responsible to the country?—I think so.

280. Are you of opinion that the Chief Justice or any of the Judges ought to sit in the Legislative Council? May not the Judge be called on in his Legislative capacity to pass opinions and enact measures of severity against the individual whom afterwards he may be called upon to try as a Judge in the Courts?—I think that a Judge having given his opinion once, should not sit a second time on the same case.

281. What fees were charged by Sheriffs on the sale of wild lands for taxes in your district?—Only seven shillings and sixpence currency, and free deeds afterwards given by the Sheriff.

282. What objection can be urged against a fair and equal representation of the qualified Electors in the House of Assembly?—Why should four townships in one part as a county, with 4,000 inhabitants send two members, and five or six in another part, as a riding with 15,000 send only one?—This arrangement being based neither on extent of territory, property, nor population?—Population and territory I think should be the basis.

283. Does not a vast annual additional expense fall on the Province owing to the continual rejection of bills of a general character sent up by the House of Assembly, rejected in the Legislative Council, and again introduced, debated and sent up by the House of Assembly?—I cannot say what bills have been sent, but the tendency of continually refusing bills must create additional expense.

284. In what way can the popular branch of the Legislature influence the Government so as to secure the appointment of proper persons as arbitrators to decide each four years on the proportion of revenue coming to Upper Canada from duties levied at the port of Quebec?—They could only recommend an arbitrator by the resolution of the House of Assembly.

285. What becomes of the Clergy Reserve monies vested in the British funds?—I cannot tell.

286. Are Grand and Petit Jurors summoned with perfect fairness in your district?—I think so, for I have at different times been observing the Sheriff in cases when I supposed he had a feeling; and I could never discern the least appearance of partiality.

287. Do you think the local knowledge possessed by the Lieutenant Governors of this colony fully sufficient to enable them to nominate independent men otherwise well qualified to the office of Legislative Councillors?—I think that a good deal depends upon the information they get from others.

287. The Vote by Ballot in Elections is prayed for in many petitions both to the Assembly and to his Majesty—What is your opinion of this mode of voting?—I am in favor of that system of voting.

(The Witness withdrew.)

REV. ANGUS McDONELL, CURE OF SANDWICH, called in and examined.

288. Has there been at any time, within your knowledge, any one schoolmaster residing and teaching in this city, who received any salary, or portion of the appropriation given to Catholic teachers, for his services?—Yes, John Sawyer, or Sears; he received within my knowledge about £20 per year for teaching in this place.

289. How long since he taught in this place?—I cannot tell, but I saw the money paid to him last winter. I think there is another teacher now in his place who will receive the money.

290. Have you any knowledge of a person named John Butler having received any portion of it, under the pretext of his being a schoolmaster?—No, I do not know any thing of it. I know Mr. Butler, but do not know that he has received any government money. If he has received money, it was not received in the capacity of a schoolmaster.

291. Was he, Butler, *bona fide* a schoolmaster coming within the intention of Earl Bathurst's despatch authorising Bishop McDonell to apply one-fourth of His Majesty's bounty for the clergy to the payment of schoolmasters?—Mr. Butler might have received something at one period as a schoolmaster, because he taught school at one time here in this town.

292. Have you any knowledge of the Rev. P. McDonogh having at any time refused to receive his portion of the government appropriation, and if so, what were his stated reason or reasons?—No, I believe he always received his share of the government allowance.

293. Have you any knowledge of a sum of £900 sterling, or any other sum or sums, having been received by Bishop McDonell or any other person on his behalf, from His Majesty's Government or the Local Government, for any ecclesiastical or other public purpose; and if so, state how the same has been applied?—I understood there had been £900 received for the erection of churches. As to the manner in which it was appropriated I cannot give an exact account, but I know that £300 has been applied towards finishing the Church at Glengarry—£150 to put an addition to the Church in Kingston—£25 to the Church at Loughborough—£25 to the Church at Camden—I believe £40 to the Church at London—and about the same sum to the Church at St. Thomas—I think it was £100 to the Church at Niagara, and about the same amount to the Church at St. Catharines—and I believe it was £100 to the Church at Peterborough—£90 for the erection of the new Church at Amherstburgh—the rest has been divided between the different missions, but I do not know in what proportion.

294. In whose care was the money expended on the Church at Glengarry placed?—In the hands of commissioners nominated, I believe, by the Bishop—they were Col. Alexander Fraser, Hugh McGillis, Esq., and the Right Rev. Remigius Gaulin.

295. Was £100, expended on the Peterborough Church, received as a donation from Cardinal Weld?—The money has been subscribed but not drawn.

296. Did you ever present a petition either by yourself individu-

ally or in conjunction with any other, and with whom, to the head of the Executive of this Province, complaining of the mal-appropriation of certain monies placed at Bishop McDonell's disposal for ecclesiastical or other public purposes?—I never presented any petition myself, or in conjunction with any other person, complaining of mal-appropriation by Bishop McDonell of any sums of money received by him which could come under the control of the Provincial Parliament.

297. Did you present to the Lieutenant Governor any petition, at any time, complaining that monies which had been placed in the Bishop's hands for ecclesiastical purposes, had been misapplied?—No, I never did. The petition I presented was merely enquiring what sums of money had been paid by the British Government for me, from . . . . . period to . . . . . period.

298. Have you a copy of that petition?—I have not a copy here.

299. What was the reason that Mr. Crevier was removed from Sandwich?—I do not know.

300. Do you know of any sum of money lodged by Bishop McDonell in the hands of Maitland, Garden and Auldjo, the appropriation of the Imperial Government for schools and for ecclesiastical purposes?—The Bishop, when in England, received a sum of from £2,000 to £3,000, which he lodged in the house of Maitland, Garden and Auldjo, because he was then on his way to Rome, which house failed before the Bishop's return to the country, and the Bishop has been compelled to pay this money out of his own private funds.

301. Are you aware that one-fourth of the annual appropriation made in England is for the support of schools?—No, but the Bishop has discretionary power to appropriate one-fourth of the annual appropriation to the support of schools. There are some schools in the Province partially maintained from this bounty.

302. Is it just to the Baptists, Quakers, Menonists, Tunkers, Independents, Seceders, and other Christians, whose spiritual teachers receive no share of the public revenue for their religious services, that the clergy of the Kirk of Scotland, the Catholic Bishop and Clergy, and that the Methodist Ministers, should, without the sanction of the Legislature, have a bounty paid for the performance of their religious duties?—It depends altogether upon the opinion of the Government.

303. Would it not be desirable that the Clergy and Crown Reserves and all reservations of land, otherwise than for education, were disposed of for public purposes, under the control of the Legislature?—I think it would be desirable.

304. The undue preferences and exclusive privileges granted to certain religious denominations are much complained of; would it not tend to strengthen good government if they were altogether abolished?—I am not aware of any undue preferences, except the Clergy Reserves, which are a real grievance in the country.

305. Are you of opinion that clergymen of any denomination ought to have seats in the Legislative Council, or that such seats are compatible with their spiritual functions?—I am decidedly of opinion that no clergyman of any denomination should hold a seat either in the Legislative or Executive Councils.

306. Are the Common Schools in your District sufficiently su-

merous and efficient for the wants of the country!—They are not, I think the sale of the Clergy Reserves, if appropriated to Education, would afford sufficient fund for the support of common schools.

307. What is your opinion of the system of District Schools in Upper Canada?—I believe in most cases they are a nuisance; I think that if the £100 would be divided among four common schools it would tend more for the benefit of the country.

308. What tythes are generally exacted about Glengarry or Sandwich?—The twenty-sixth bushel of grain only.

*The Witness withdrew.*

THOMAS DALTON, Esq. TORONTO, called in and examined.

309. Are you the proprietor of the Patriot newspaper?—I am; the series commenced in November, 1829.

310. What postage did you pay in 1830 and 1831?—I paid while I published in Kingston about £125, this was to the end of 1832.

311. Is the return correct which states you to have paid in 1829 £5; in 1830 nothing; and only £6 in 1831?—It is not correct.

312. What might be the amount paid during these years?—I think 70 or £80.

313. The Kingston Chronicle is entered in this Return as paying £10 a-year; is that a fair return?—I should not suppose that they ever sent so few as 50 copies.

314. Do you know any law under which newspaper postage can be collected in Upper Canada as a perquisite to a Postmaster?—No; I do not believe they pretend it is by law, but by an order of the Postmaster-General, and given as a perquisite to his deputy, as I understand.

315. Are not the Letter Postage rates, where they exceed 1s. 3d. currency, on a single letter, (which is the maximum for the greatest possible distance in the United States) injurious to trade and unnecessarily burthensome on this community?—I have always thought the postage from here to England as enormous.

317. How would you recommend newspaper postage to be collected?—I think it ought to be collected from the party receiving the newspaper.

318. Do you think that newspapers ought to be subject to postage?—I do for the reason that it is a valuable service performed to the person receiving the paper, with the expense of which, the public ought not to be burthened; because it would be taxing the poor to maintain the rich.

319. What rate of postage would you recommend on newspapers?—Not more than a half-penny per sheet.

*(The Witness withdrew.)*

WEDNESDAY, 11TH FEBRUARY, 1835.

JOHN BROWN, Esq., M. P. P. FOR THE COUNTY OF DURHAM, called in and examined.

320. How many justices of the peace are there in the county you represent, and how many in each township?—I do not know, a new commission has gone down lately.

321. Have you made recommendations to His Excellency for fit men to be placed in the commission of the peace?—No, I never did to my knowledge.

322. Are the justices of the peace, resident in your county, chosen exclusively from one party in politics or indiscriminately from respectable men entertaining various political opinions?—As far as my knowledge goes I do not see any difference. A gentleman by the name of Munroe, who went about with a petition for the removal of Sir John Colborne, has been since appointed a magistrate.

323. Are the common schools in your district sufficiently numerous and efficient for the wants of the country?—I think not.

324. Has any inconvenience resulted in your district from the selection of voting places at elections, and what places would you recommend for your county?—I think it would be better to have two polling places, Grimes' Inn, in Cavan, for the front townships of Durham, and for the back townships Cottingham's Mills.

325. Have not the resident settlers by the improvements they have made, and the House of Assembly by its liberal grants for roads and bridges, and in aid of Inland Navigation, given to the public lands their greatly increased value, as compared with 1792?—Decidedly so.

326. Ought not the revenue arising from these lands to have been applied to the liquidation of the war loss claims, instead of increasing the public debt and duties on imports for that purpose?—Yes, I think so.

327. Is it just to the Baptists, Quakers, Menonists, Tunkards, Independents, Seceders, and other classes of Christians, whose spiritual teachers receive no share of the public revenue for their religious services, that the clergy of the Kirk of Scotland, the Catholic Bishop and Clergy, and that the Methodist Ministers should, without the sanction of the Legislature, have a bounty paid for the performance of their religious duties?—I think not, but I think we ought to have an Established Church; I am for a union of Church and State, and I think that the Church of England ought to have the supremacy.

328. How would you provide for the Church of England?—I have no idea of giving them the one-seventh of the lands of Upper Canada, but would give them a respectable maintenance out of a part of these Reserves.

329. Would not the British Constitutional system, by which the head of the Government is obliged to choose his councillors and principal officers from among men possessing the confidence of the popular branch of the Legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Cana-



da. than the present irresponsible mode of Government?—I am perfectly satisfied with the present mode of government, I think a change would be an injury to the country.

330. Why have you formed this opinion?—I form this opinion from having heard no proposed changes which would answer equally well.

331. What check would you propose on hasty, partial, and injurious legislation, in England, affecting the commerce, and, through it, the general interests and prosperity of this colony?—I could not say.

332. Would not it be desirable that the Clergy and Crown Reserves, and all reservations of land, otherwise than for education, were disposed of for public purposes, under the control of the Legislature?—All, except such parts as might be reserved for the support of the Established Church.

333. Ought not the whole public revenue to be paid in the gross into the exchequer or treasury of the Province, and the proceeds applied only according to law?—I am clearly of opinion that one deposit would be better, because it would be easier looked after.

334. Another subject of complaint is the continual stoppage of the bill for the more equal distribution of Intestates' Estates; Is the passage of that measure desired in your county?—I think not.

335. Do you consider the Canada Company a benefit or an injury to the Province; are not the grants or sales of land to this company of speculators, residing in Europe, an improper transfer of the functions of the Government?—I think the Canada Company have been a very great injury to the country.

336. What are your objections to the Legislative Council as at present constituted?—None, I should be very sorry to see the people put in the Legislative Council.

337. Will not the Canada Company eventually draw several millions out of the Province, without conferring on the settled population any adequate advantage?—I think they will be some advantage, the first settling of the country and opening the roads are advantages; but the monopoly will eventually be disadvantageous.

338. Are there many actions at the instance of banks in your district?—There are; each of the endorsers and also the drawer are prosecuted, and three suits and three bills of costs incurred for the recovery of one debt; if the debt to the bank is £41, the costs in some cases arise as high as £60 additional. The law ought certainly to be altered; it would be better to notify the endorsers in the first place, and commence an action against the drawer.

339. Have the grants of money for the improvement of roads and bridges been faithfully expended?—I think they have.

340. Do you not consider the custom of pensioning the judges to a large annual amount, by order from the Colonial Office, out of the Upper Canada Revenue, and without reference to the Provincial Legislature, destructive of the independence of the bench in a great measure?—I am not prepared to say.

341. How can a bench of judges dependent on the Colonial Office, for their customary retiring pensions, and independent of the House of Assembly, act impartially between the parties in cases where a collision may arise between the Legislative and Executive departments in this Colony, or between the British Statutes and the Provincial Laws?—I am not prepared to say.

342. Ought not those persons who advise His Majesty in his appointment of fit persons to fill the judicial bench be responsible to the country?—I think so, certainly.

343. In case the House of Assembly, or large bodies of the people, should be of opinion that a public officer deserved impeachment, by what means could he be tried?—I think there is no public officer, who is guilty of any misdemeanor, who cannot be tried by the Court of King's Bench.

344. Would not an active agent representing the wishes of the people of Upper Canada, in London, be likely to be of great importance to the commercial and agricultural interests of the country?—If a person of that description could be found who would be free from politics, he might be very useful.

345. Is there a hope that the Legislative Council and Assembly, as now constituted, would unite in the choice of such a person?—I should think so.

346. Were not the inhabitants of the Province seriously injured by the refusal of the Legislative Council, at several sessions, to pass a bill appointing commissioners to treat with commissioners appointed by act of the Lower Canada Parliament, on matters of mutual interest to the two Canadas, especially their trade?—I would prefer having a port of entry in Lower Canada; I think the best way would be, to have the Provinces united.

347. Does not a vast annual additional expense fall on the Province, owing to the continual rejection of bills of a general character sent up by the House of Assembly, rejected in the Legislative Council, and again introduced, and debated, and sent up by the House of Assembly?—I think it a very necessary one, it would be a very hard case if they had not the same power to reject our bills that we have.

348. Are you aware that the members of the Legislative Council receive a far larger proportion of the taxes than they and their families contribute?—I am not aware of that.

349. Do you think the local knowledge possessed by the Lieutenant Governors of this Colony fully sufficient to enable them to nominate independent men, otherwise well qualified, to the office of legislative councillors?—I think so.

350. The vote by ballot in elections is prayed for in many petitions, both to the Assembly and to His Majesty; what is your opinion of this mode of voting?—I do not know a better way to cheat the public than by ballot.

*Witness withdrew.*

FRIDAY, 13TH FEBRUARY, 1835.

WILLIAM BUELL, Esq., of BROCKVILLE, *called in and examined.*

351. Are the common schools in your district sufficiently numerous and efficient for the wants of the country?—No.

352. Has any inconvenience resulted, in your district, from the selection of voting places at elections; and what place or places would you recommend for your county?—I think the last election for the County of Leeds was held at an improper place; I would require time for reflection.

353. Do you think the Lieutenant Governors of themselves possess a sufficient knowledge of the inhabitants of the several districts, to enable them to select judicious persons as Justices of the Peace?—I do not.

354. In what manner are Justices of the Peace appointed in your district?—They are mostly appointed from among persons possessing one set of political opinions—I mean opinions in accordance with the views of the Executive.

355. Are you a Justice of the Peace?—I am not.

356. How often have you been elected as a representative of the County of Leeds?—I have been elected to two Parliaments.

357. Was not your father a former member of the House of Assembly?—He was.

358. Was he in the Commission of the Peace?—He was in the Commission of the Peace at the early settlement of the County; his name must have been left out previous to his election, which was, I think, in 1800.

359. Who was your colleague in the last Parliament?—Matthew M. Howard,

360. Was not his father also a member of the House of Assembly?—I think he sat in three or four Parliaments.

361. Was either of the Messrs. Howard in the Commission of the Peace?—I do not recollect that either ever was. If Mr. Howard, sen. was in a short time, he must have been put out again.

362. Did you ever recommend to His Excellency any persons as fit to be put in the Commission of the Peace?—Yes I did, at the commencement of the tenth Parliament.

363. Were your recommendations attended to?—No they were not.

364. A very large sum of money collected by direct taxation is annually entrusted to the Magistrates, they being irresponsible to the people either directly or indirectly, would it not be more in accordance with the genius and spirit of the Con-

stitution if these monies were placed under the control of persons appointed by the qualified electors?—I think the monies would be better managed under the control of persons selected by the qualified electors.

365. How many Justices of the Peace are there in the county you represent, and how many in each township?—I think there are about 70 in the Johnstown District.

366. Are men chosen to fill the Commission of the Peace and the offices of the district who have been long resident in it, or are strangers more generally preferred?—Latterly, I think, that there have been more persons not long resident in the county preferred to the offices of Justices of the Peace.

367. What Bank notes have the greatest circulation in your district?—The Upper Canada Bank notes I should suppose.

368. How many actions is it usual for the Bank to raise against a defaulter whose note has two endorsers?—I think three.

369. What is your opinion of the system of district schools in Upper Canada?—I think the system is a bad one as the law is now carried into effect.

370. What is the state of the roads in your district?—Not very good.

371. Have the monies arising from the sale of wild lands for assessed taxes, or from payments on such assessments on these lands, been prudently expended by the Magistrates in your district?—A portion of these monies were not prudently expended, particularly about £700 expended in the town of Brockville.

372. Does not the inequality of the system of taxation of ratable property, cultivated and uncultivated, afford just ground of complaint on the part of the people?—I think it does.

373. Have not the resident settlers, by the improvements they have made, and the House of Assembly, by its liberal grants for roads and bridges, and in aid of inland navigation, given to the public lands their greatly increased value as compared with 1792?—Yes.

374. Ought not the revenue arising from these lands to have been applied to the liquidation of the war loss claims, instead of increasing the public debt and duties on imports for that purpose?—I think the Imperial Government ought to have paid these claims. But if we have them to pay, these lands ought to have been taken in preference.

375. Are you the Proprietor of a public newspaper in Upper Canada?—I am.

376. How long has it been established?—Fourteen or 15 years. I have only been the Proprietor about 12 years.

377. Do you know any law under which newspaper postage can be collected in Upper Canada as a perquisite to a Postmaster?—I do not. I think it ought not to be given as a perquisite.

378. Would not the British constitutional system, by which the head of the Government is obliged to choose his Councilors and principal officers from among men possessing the confidence of the popular branch of the Legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of Government?—It is my opinion that it would. The irresponsible character of the Government is one of the principal difficulties under which we labor.

379. Was not the refusal of the Legislative Council of this Province to assent to the Assembly's bills in several Parliaments for appointing Commissioners to meet those appointed by Lower Canada to consider of matter of mutual importance to both provinces, a proof of the necessity of a change in the composition of the Upper House?—It proved that they did not do what they ought to have done.

380. The undue preferences and exclusive privileges granted to certain religious denominations are much complained of: Would it not tend to strengthen good government if they were altogether abolished?—Yes, I think so.

381. Is it just to the Baptists, Quakers, Menonists, Tunkers, Independents, Seceders and other denominations of christians, whose spiritual teachers receive no share of the public revenue for their religious services, that the clergy of the Kirk of Scotland, the Catholic Bishop and clergy, and the Methodist ministers should, without the sanction of the Legislature, have a bounty paid for the performance of their religious duties?—I think not.

382. Would it not be better that the sale and disposal of the public lands and other public property were, in all cases, regulated by law?—I think so.

383. What check has the House of Assembly on the other branches of the Government as a means of preventing executive usurpations of popular rights?—I do not think they have any real and substantial check.

384. Ought not the public revenue to be paid in the gross into the Exchequer or Treasury of the Colony and the proceeds applied only according to law?—I think that ought to be the case; were this done it would afford a check in the hands of the Assembly.

385. Another subject of complaint is the continual stoppage of the bill for the more equal division of intestate estates.—Is

the passage of that bill desired in your county?—I think it is by a majority of the people.

386. You reside in Brokville?—Yes.

387. Do you not consider the custom of pensioning the Judges to a large annual amount, by orders from the Colonial office, out of the Upper Canada revenue and without reference to the Provincial Legislature, destructive of the independence of the Bench in a great measure?—I think it may have a bad effect on the independence of the Bench.

388. Are there not too many dependant persons, and holders of office in the Legislative Council?—I should say there was, as far as my information goes.

389. Are you aware that the powers and duties of the Executive Council are defined by law?—I am not.

390. The vote by ballot in elections is prayed for in many petitions both to the Assembly and to His Majesty. What is your opinion of this mode of voting?—I think it the mode that should be adopted in this Province.

391. Would it not be desirable that the Clergy and Crown Reserves and all Reservations of land, otherwise than for Education and Roads, were disposed of for public purposes under the control of the Legislature?—I think so.

VERY REVEREND DOCTOR Wm. J. O'GRADY,  
*again called in and examined.*

392. How long were you incumbent of the Parish of York?—Since the year 1829.

393. Did one John Sayer or Siers or any other Catholic School Master teach in York since 1829.—John Siers did not until the year 1833, when he opened a School on his own account, he did not within my knowledge, receive any portion of the Government appropriation—after he left here, I met him in Kingston, and he told me he received none.—Previous to Siers coming to the Parish, I engaged a School-master by the name of Harvey, who had a promise from Bishop McDonell of £20 per annum for the support of a school master but though he commenced his school on the faith of this promise, he was never paid one farthing, and after residing six months in this city, he was obliged to leave us.

394. Referring you to evidence given before this Committee of the Rev. Angus M'Donnell respecting the appropriation for schools, can you shew that His Majesty's Government intended that £250 a year should be appropriated to the payment of Catholic School Teachers?—I think so. The

Bishop shewed me the copy of a Despatch from Lord Bathurst authorising him to appropriate one fourth of the annual grant for that purpose, and that the Executive of the country was of the same opinion will appear by the following letter from Sir John Colborne to Bishop M'Donell.

York, 20th April, 1829.

MY LORD BISHOP,

I have the honour to acknowledge the receipt of Your Lordship's letter of the 2nd instant; and to return the inclosed document from Major Hillier, by which it certainly appears that you are authorised to apply, for the support of Schoolmasters, one fourth of the annual appropriation of His Majesty's Government.

The distribution of the salaries of the Clergy under your Lordship's charge must depend entirely on your opinion; but the claims of the Rev. Mr. O'Grady well deserve your Lordship's consideration.

I shall be most happy to see your Lordship at York.

I have the honor to be,

My Lord Bishop,

Your Lordships'

Most Obedient

Humble Servant,

J. COLBORNE.

The Right Rev.

Doctor M'DONELL,

Bishop of Resino.

395. Have you heard of any sum or sums of money being given to Bishop M'Donell for the purpose of erecting a Church or Seminary at Guelph?—I have—£1000 were sent to the Bishop by Cardinal Weld for that purpose—but these monies were otherwise applied by his Lordship—to prove which I put the following letter in evidence.

St. Raphael's, Glengarry, }  
Jan. 16th, 1830. }

VERY REV. DEAR SIR,

I wrote you a letter on the 20th of November last to be conveyed to you by the Rev. Edward Gordon, but before his return from Lower Canada, where he had gone to see his brother, the Navigation closed, and the roads broke up, so that his departure has been delayed from day to day, in hopes that sleighing would commence in which we have been I may say hitherto disappointed—that letter as well as this one will be handed to you by Mr. Gordon.

The contents of your favor of the 16th of November are truly interesting. The remarks on the conduct of some individuals of our brethren are to me most distressing and call for immediate attention. I authorised you on a former occasion to take Mr. Compton under your *surveillance*, to examine strictly and minutely into his conduct; and I hereby repeat my injunctions and orders to you

to the same purpose, and I charge you to exercise over him and over Mr. Gordon and over every other priest that is or may hereafter be employed in your district, the power and control of a vicar general until further orders. Regular powers may afterwards be given in due form as circumstances may require. In the mean time I beg and entreat of you to procure for me every possible information respecting the conduct of those individuals to whom you alluded in that letter.

I feel much obliged to you for suggesting the idea of holding conferences of the clergy, it is one that I long cherished myself when the state of the missions would admit of the clergy convening for that purpose, well aware of the great good which such an institution produced in Ireland in my time and is calculated to produce in this country. Hitherto however while two priests were not within the distance of hundreds of miles of one another, the thing was entirely impracticable, and even yet it is only in very few parts that it can be thought of, but please God to increase the number of our clergy I trust the practice may become general.

The kindness and attention which Sir John Colborne was pleased to show to me during the time I had the honor of accompanying His Excellency last summer on his visit to Montreal and to the Rideau Canal, I shall ever remember with the most grateful feelings, and I shall ever consider it one of the most mortifying circumstances of my life, being deprived of the honor of seeing His Excellency under my humble roof: owing to my servants mistaking the time of his arrival in Cornwall, my horses and carriage were not sent, although I sent an express on purpose to inform them. I was most anxious that he would see these small establishments, and witness the struggles I have had to support them. My seminary alone in which I have been generally supporting for the last five years from seven to nine or ten young men has cost me at an average £300 per annum, being obliged to provide besides board and education, clothing and every other necessary for several of them who have not the means of procuring those things for themselves. This and the expenses of the buildings here which from first to last have amounted to upwards of £3,000 currency, without the aid of a single dollar from any human being, have subjected me to serious difficulties. Dr. Weld has indeed advanced me one thousand pounds towards building a church at Guelph which has gone partly to clear Mr. Fraser out of Kingston as you know and partly to purchase a piece of ground attached to the house bought for the use of the Bishop in Kingston and partly to defray expenses contracted by the building of other churches; and I am yet after all three thousand pounds more behind hand with the Parishioners of St. Raphael of money borrowed for the building of their new Parish Church, the greater part of that sum they will however be able to pay themselves in time. Of this long detail of my difficulties and embarrassment you are at liberty to communicate as much or as little to His Excellency as you may think proper. I shall petition His Excellency on behalf of the Indians of Penetanguishene or the Colonial Minister through His Excellency and to save postage shall enclose it under cover to Col. Fraser our Representative who will take an active part in any thing that concerns our holy religion. I wish most earnestly to



visit York in the course of next month if the state of the roads will be such as to render my journey any ways comfortable, I send you enclosed the distribution of the Government money, and you may acquaint the Gentlemen concerned to draw upon you when their money is ready for distribution.

I request to be most respectfully remembered to your brother and family and Col'l Baldwin and to all inquiring friends, and believe me to be with sincere regard and esteem very Rev. and dear Sir,

Yours truly,

† ALEX. REGIOPS, Ep.

P. S.—You will be pleased to send me a check on the Montreal Bank, which Mr. Harper will give you, if you lodge the money with him for the quotas of the four schoolmasters and of the Rev. Mr. John McDonald of this parish, amounting in all to £75 16 4 Stg.

Yours A. McD.

The Very Rev. W. J. O'Grady.

396. Have you any other evidence to offer in proof of the misapplication of the public money by Bishop M'Donell?—I have the evidence of the Rev. Laurence Dempsey, and the Rev. Edward Gordon, taken before the Parish Commissioners, and also the evidence of Peter M'Dougall, Esq., regarding the repeatedly expressed opinions of the late Inspector General.

[The Committee decided not to receive in evidence the duplicate of an affidavit of Dr. O'Grady and Peter M'Dougall, Esq., nor the testimony given before the Parish Commissioners.]

I have repeatedly heard the late Hon. James Baby say that Bishop M'Donell never submitted to his inspection an account of the disposal of the Government appropriation, for the support of the Roman Catholic Clergy and Schoolmasters of this Province, and that he, the said James Baby was of opinion that he (the Bishop) annually abstracted a considerable portion of the sum for his own private purpose and uses, and also that the Rev. Wm. Fraser frequently assured him (the said James Baby) that to his knowledge, such was the case.

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## QUESTIONS

RELATING TO POLLING PLACES, WITH THE ANSWERS OF CERTAIN MEMBERS OF THE HOUSE.

### *Question First.*

399. Would you recommend more than one place at which to take the votes of the qualified Electors, for the County or Riding you represent?

*Question Second.*

400. If so, what places would you propose as the most suitable at which to hold the poll three days alternately?

*Question Third.*

401. If one polling place would in your opinion be sufficient, what place would you recommend as the most central or otherwise suitable for the Election?

## ANSWERS TO THE ABOVE.

DR. W. BRUCE, MEMBER FOR STORMONT.

*Answer to 401.*—The line between the towns of Cornwall bruck.

JOHN BOWER LEWIS, ESQ., MEMBER FOR CARLETON.

*To Question 1.*—Yes.

*To Question 2.*—At Richmond, and the lower part of the Township of Huntley.

DENNIS WOOLVERTON, ESQ., MEMBER FOR THE 1ST RIDING OF LINCOLN.

*To Question 1.*—In the first Riding of the County of Lincoln, which I represent, there is but four Townships, therefore I think one Polling place is sufficient.

*To Question 3.*—I would recommend Smithsville in the Township of Grimsby as the most central.

THOMAS PARKE, ESQ., MEMBER FOR MIDDLESEX.

*To Question 1.*—I am opinion that taking the votes by Townships would be most accomodating and efficient, yet, dividing the County into four parts would be a great improvement on the present system.

*To Question 2.*—London, St. Thomas, Delaware, and Gardener's Mills, in Mosa, would from my information be the most suitable.

*To Question 3.*—One polling place is not sufficient for the County of Middlesex; but if there must be only one, I think London would give the most general satisfaction.

JOHN A. WILKINSON, ESQ., MEMBER FOR ESSEX.

*To Question 1.*—I would recommend the Committee to leave the measure as it now stands, if you wish to please the Electors of the County of Essex.

*To Question 3.*—At the District Town Sandwich, where it is situated in the most populous Township in the County or District.

NATHAN CORNWALL, Esq., MEMBER FOR KENT.

*To Question 1.*—I consider one place sufficient to hold the Election in the County of Kent.

*To Question 3.*—At the town of Chatham.

FRANCIS L. WALSH, Esq., MEMBER FOR NORFOLK.

*To Question 1.*—I would recommend that the County of Norfolk, including the Townships of Walpole and Bayham should be divided into two Ridings for the purpose of being divided into a separate District as well as to enable the Electors more conveniently in that case to hold Elections for that County.

*To Question 2.*—In the event of the said County being divided into Ridings, I should propose that the Elections for the East Riding should be held at the Post Town of Simcoe—and for the West Riding, until a more central situation can be established, at the town of Fredericksburgh in the township of Middleton.

*To Question 3.*—Should this County remain undivided into Ridings, in that case, I would be of opinion that the County Elections should be held at Vittoria, only; as the additional expenses of holding the Elections would, in my opinion, operate, with other reasons against their being held in different places during the same Elections.

THOMAS M'KAY, Esq., MEMBER FOR RUSSELL.

*To Question 1.*—No, the principal part of Settlers in Cumberland, Clarence, and Gloucester, are located along the Banks of Ottawa River. I believe they are not more than two miles back, Gloucester extending up River Rideau is tolerably well settled, so is Osgoode. It is difficult for me to say whether more places than one is necessary or not, should it be thought necessary, the line between Gloucester and Osgoode I think is the most proper place in that direction. On Ottawa between Clarence and Cumberland.

*To Question 2.*—Answered above.

*To Question 3.*—The place where it was held first at, is New Edinburgh in Gloucester, it was thought the most central and easiest place to arrive at by Steam Boat or otherwise, it being at the junction of Ottawa and Rideau Rivers, but that being my property, I beg to refer you to the maps.

HIRAM NORTON, Esq., MEMBER FOR GRENVILLE.

*To Question 1.*—I would recommend three different places for holding the Elections.

*To Question 2.*—Prescott, Merrickville, and Kemptville.

*To Question 3.*—If but one place should be thought best, I would recommend Prescott as the most suitable place, but Kemptville as the most central in point of territory.

HARMANUS SMITH, Esq., MEMBER FOR WENTWORTH.

*To Question 1.*—The County I represent is not so large, but the votes can readily be taken at one place of meeting.

*To Question 2.*—If the poll was kept open for three days alternately, at different places, I would recommend the villages of Stoney Creek and Ancaster.

*To Question 3.*—I consider Hamilton, the County Town, the most convenient place, and sufficiently central to hold the Elections.

JACOB RYMAL, Esq., MEMBER FOR WENTWORTH.

*To Question 1.*—The county I represent is not so large but that all the votes can be polled at one place in six days.

*To Question 2.*—If two places of polling of 3 days alternately I should recommend the villages of Stoney Creek and Ancaster.

*To Question 3.*—I think Hamilton, the county town, the most central place, and would meet the wishes of the inhabitants of the county.

WILLIAM B. WELLS, Esq., MEMBER FOR GRENVILLE.

*To Question 1.*—I would recommend three places.

*To Question 2.*—The town of Prescott and the villages of Kemptville and Merrickville.

*To Question 3.*—The village of Kemptville.

JACOB SHIBLEY, Esq., MEMBER FOR FRONTENAC.

*To Question 1.*—I would.

*To Question 2.*—At Waterloo, two days; at William Ash's, in the 1st concession of Loughborough, two days; and at Barrey's Field in Pittsburgh, two days.

PETER SHAVER, Esq., MEMBER FOR DUNDAS.

*To Question 1.*—I would recommend the poll to be held in different places of the County of Dundas, at least in four of its townships.

*To Question 2.*—In the township of Mountain, at the Widow Jackson's, one day; in the centre of Matilda, at the Widow Shaver's, two days; for Williamsburgh, at Philip Munroe's, two days; for Winchester and rear of Williamsburgh at Mr. Rosenbergen's, one day. I would wish the polls to be kept where the Courts of Requests are now holden.

D. A. E. McDONELL, Esq., MEMBER FOR STORMONT.

*To Question 2.*—I would propose that the poll be held three days at \_\_\_\_\_, in the township of Osnabruck; and for the first three days at the town of Cornwall, in the township of Cornwall.

I would beg leave to remark that the Committee are to take into consideration whether it would be prudent to remove the election from the county town where the district buildings are, for in case of disturbances as lately occurred at the county of Leeds election, a place of convenience could be had for troublesome characters.

(Signed)

D. A. E. McDONELL.

DONALD McDONELL, Esq., MEMBER FOR GLENGARRY.

*To Question 1.*—The County of Glengarry, which I represent, being one of the most populous counties in the Province and containing I should say 1,200 frecholders, I would recommend two polling places.

*To Question 2.*—The village of Williamsburgh in the township of Charlottenburgh, and the village of Alexandria, in the township of Lochiel.

*To Question 3.*—The village of Alexandria, being nearly the centre of the county.

GEORGE S. BOULTON, Esq., MEMBER FOR DURHAM.

*To Question 1.*—Yes, every township in the county.

*To Question 2.*—Every township, but for one day only.

*To Question 3.*—If only one place I should suppose the present mode adopted, the best.

GEORGE RYKERT, Esq., MEMBER FOR LINCOLN.

*To Question 1.*—For the Riding I have the honor to represent I think one place quite sufficient for polling all the votes.

*To Question 3.*—I conceive St. Catharines to be the most central both in territory and population, and therefore most suitable for holding the election.

EDWARD MALLOCH, Esq., MEMBER FOR CARLETON.

*To Question 1.*—Yes.

*To Question 2.*—Richmond and the lower part of the township of Huntley.

*To Question 3.*—If only one place thinks the 12th concession of Goulburn most central, but thinks Richmond the most suitable place for the convenience of the whole electors.

WILLIAM MORRIS, Esq., MEMBER FOR LANARK.

*To Question 1.*—I would recommend two places.

*To Question 2.*—I would propose Perth and Carleton Place.

SAMUEL LOUNT, Esq., MEMBER FOR SIMCOE.

*To Question 1.*—Yes.

*To Question 2.*—I would recommend the polling at all places to be going on at the same time. I recommend Holland Landing, Barrie, Narrows of Lake Simcoe, and somewhere on the township line between Tecumseth and Adjala.

JAMES DURAND, Esq., MEMBER FOR HALTON.

*To Question 1.*—Yes, I would recommend three places at which to hold the elections for the county I represent, I would also further recommend a prolongation of the time now fixed by law for that purpose, from six to nine days.

*To Question 2.*—I would propose for the first three days the village of Hannahsville, in the township of Nelson; for the second three days the village of Preston, in the township of Waterloo; and for the third three days the town of Dundas, in the township of West Flamborough.

WILLIAM McCRAE, Esq. MEMBER FOR KENT.

*To Question 1.*—I should not recommend more than one place to hold the elections in the County of Kent.

*To Question 3.*—The town of Chatham.

FRANCIS CALDWELL, Esq., MEMBER FOR ESSEX.

*To Question 1.*—I would not recommend more than one place at present.

*To Question 3.*—Sandwich as being the county town.

DAVID THORBURN, Esq., MEMBER FOR THIRD RIDING  
LINCOLN.

SIR,

The Circular letters signed by you as Chairman of the Committee on Grievances, relative to holding elections. The one you did me the honor to send for to fill an answer in, I have sent to a Committee of the electors of the 3rd Riding of Lincoln which I have the honor to represent, for the opinion of the freeholders, which has been had and is annexed, the wish of the freeholders is expressed therein.

I have the honor to be,

Sir,

Your obedient servant,

DAVID THORBURN,  
M. P. 3rd Riding Lincoln.

To W. L. MACKENZIE, Esq. }  
Chairman of Com. on Grievances. }

To DAVID THORBURN, Esq.

SIR,

After taking into consideration the question presented to the Committee for their consideration, relative to the place or places for polling the votes for the 3rd Riding, county of Lincoln. The Committee are of opinion that one place would be sufficient at or near the centre, viz: Matthew Seburn's, Innkeeper in Thorold.

GEORGE ROWE,  
*Corresponding Secretary.*

By order of Committee.

WM. H. MERRITT, Esq., MEMBER FOR HALDIMAND.

*To Question 1.*—I have never given the subject much consideration, but think it would be a convenience to the inhabitants to take the votes at two places.

*To Question 2.*—At Dunnville and Stoney Creek in Rainham or Walpole.

HENRY W. YAGER, Esq., MEMBER FOR HASTINGS.

*To Question 1.*—I should recommend two places for holding the election in the county of Hastings.

*To Question 2.*—Three days in the village of Bellville, and three days at John McCoy's in Huntingdon, and but one Returning Officer.

FRIDAY, 6th day of MARCH, 1835.

THE HON. JOHN HENRY DUNN, RECEIVER GENERAL,  
*called in and examined.*

402. Ought not the whole public revenue to be paid in the gross into the Exchequer or Treasury of the Colony, and the proceeds applied only according to Law?—That is the case. There are two distinct revenues, one under the control of the Provincial Legislature, and the other under the control of the Lords Commissioners of His Majesty's Treasury.

403. Under what law do the Lords of the Treasury exercise a control over the Casual and Territorial Revenue?—I do not know.

404. Where are public balances in the different departments deposited, and what may be the average amount deposited, paying no interest?—The balances in the Public Chest are exceedingly fluctuating and uncertain, the deposits are made for the general convenience and benefit of the public; sometimes there are large balances in my hands, and sometimes none at all.

405. From all sources whatsoever, what may be the average balances of public monies in your hands?—I think the balance may average within these few years about £10,000.

406. Do you think any of the Banks in this Province, a proper and safe place for public deposits?—I think the Banks safe places for the deposit of public monies.

407. What security do you give the Province for public balances?—£80,000, viz: £10,000 Mr. Clark; £5000 Mr. Street; £5000 Mr. Wm. Dickson, Forsyth & Richardson; £20,000 Mr. Dunn of London (my father); £10,000 stg. and my own personal security £30,000.

408. The Legislative Council refused several times to assent to bills sent up by the Assembly for appointing Commissioners to meet Commissioners appointed by the Legislature of Lower Canada to consider of matters of trade, revenue, inland navigation, and other affairs of mutual importance to both Provinces, was not that refusal injurious to the interests of the two Colonies?—I think it would have been better if Commissioners had met to have decided on the improvements of the St. Lawrence, in which the two Provinces are so intimately connected. If such a Commission could be carried into effect, it would, I think, have a mutual good result in the intercourse of both Provinces.

409. Does the supervision of the Inspector General of Public Accounts, extend to all revenue raised and expended in the Province?—I think it does.



410. What check would you propose on hasty, partial and injurious legislation in England, affecting the commerce and through it the general interests and prosperity of this Colony?—I am not prepared to state any remedy.

411. Have not the resident settlers, by the improvements they have made, and the House of Assembly by its liberal grants for roads and bridges, and in aid of inland navigation, given to the public lands their greatly increased value, as compared with 1732?—Most unquestionably.

412. Mr. Wm. Chisholm is put down in this return as holding only the office of deputy postmaster—Has he not lately been appointed Collector of Customs at a place distant from his post office?—He has been appointed Collector of Customs for Oakville.

413. Is he not a merchant trading at that place and importing goods?—I really do not know.

414. We see in the Canada Company's returns a pension of £400 to Col. Talbot, a pension or allowance of £500 to the Bishop of Regiopolis, a pension to Sir W. D. Smith in England of £200, a pension to the family of General Shaw of £100, a salary to an agent here for the service of paying these monies and other sums. These payments are made from the public revenue of this Colony. By whose authority are they so made?—By the Lords Commissioners of the Treasury.

415. For what service do you receive £200 sterling out of the funds of the Canada Company?—For the large accumulated business connected with the Crown duties.

416. Do you not receive other £200 sterling as Receiver-General of Crown Lands?—I receive £400 sterling in all, besides £700 sterling per annum from the Province.

417. How often do you account to the Inspector-General for your intromissions as a manager of public funds?—Twice a-year—30th June and 31st December in each year.

418. Who made out the return of your income for 1830, placed in the Blue Book sent to England?—Mr. Turquand; it was correctly made out and embraced the different items of my income.

419. Can you point out to this Committee any Law of the Province, establishing the Executive Council a board to judge and audit the accounts of public officers and others?—No.

420. What Bank notes have the greatest circulation in this Province?—I think the Commercial Bank, at this moment, because I receive the most of their bills.

421. What is the amount of the debt due by the Province?—£180,500 currency, and £176,600 sterling, on the 15th January, 1835.

MONDAY, 9th day of MARCH, 1835

BERNARD TURQUAND, Esq. called in and examined.—  
Is first Clerk in the Receiver-General's office.

[The return to an Address of the House of Commons of the receipts and payments of the Canada Company is shewn to witness.]

422. Is this document in the shape in which it was, when you signed it?—I believe it is.

423. Did it contain the sums of £321 and £540 paid to Dr. Strachan?—In the explanatory statement, I have no doubt it did.

424. Have the sums of £324 and £540 been actually paid to the Doctor?—These sums were not paid to the Archdeacon in this Province; but were with other monies mentioned in the statement allowed to the Canada Company (including the premium of exchange) as an offset from their first instalment in consequence of their having been paid to them in England as I presumed from a statement on that subject in the Receiver-General's office. The sums paid to the Archdeacon must have been £300 and £500 only; exchange at eight per cent. at that time.

425. It appears that an additional salary of £500 has been made to the Lieutenant-Governor, besides £2000 and £1000 before: Under what authority was this made?—Under the authority of the Lords Commissioners of His Majesty's Treasury conveyed in a Despatch from the Colonial office: the £1000 is paid as an allowance in lieu of fees, which, heretofore, formed part of the emolument of the Lieutenant-Governor of this Province.

426. Are there outstanding monies now due to the Government?—It is unknown to our department.

427. Whose duty is it to keep an account of outstanding monies due to the Province by public accountants?—I believe the Inspector-General.

428. Ought not the whole public revenue to be paid in the gross into the Exchequer or Treasury of the Colony, and the proceeds applied only according to Law?—I think all public revenue of every description should be paid into the hands of one public functionary.

429. Does the supervision of the Inspector-General extend to all public revenue received in the Province?—I have no doubt of it, as all the public accounts go to his office for inspection.

430. Where are public balances in the different departments deposited, and what may be the average amount depo-

sited, paying no interest?—For several years past, I think the average in the Receiver-General's hands, has not exceeded £10,000, including all the public funds that of the provincial revenue, scarcely any thing; and if any, always appropriated; it is very frequently in advance: the great bulk of the revenues come into the Receiver-General's hands about the close of each period, and although the balances may appear large in the accounts, they are immediately reduced by the demands of the preceding half-year.

431. In case the different public accountants neglect to send in their monies to your office regularly, what steps are you authorised to take?—The bonds of the different public accountants are lodged with the Receiver-General; and when any defalcation occurs they are sent to the Attorney-General for prosecution of the party concerned.

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GILBERT McMICKING, Esq., M. P. .P., FOR LINCOLN COUNTY, *called in and examined.*

432. Are men chosen to fill the commission of the peace and the offices of the district who have been long resident in it, or are strangers more generally preferred?—Literally, strangers.

433. Are the justices of the peace resident in your county chosen exclusively from one party in politics, or indiscriminately from respectable men entertaining various political opinions?—They are principally half pay officers and strangers; I mean the late appointments.

434. Are the common schools in your district sufficiently numerous and efficient for the wants of the country?—I should think not.

435. Do you think the Lieutenant Governors of themselves possess a sufficient knowledge of the inhabitants of the several districts, to enable them to select judicious persons as justices of the peace?—I should rather think not.

436. Have not the resident settlers, by the improvements they have made, and the House of Assembly, by its liberal grants for roads, bridges, and in aid of inland navigation, given to the public lands their greatly increased value, as compared with 1792?—Certainly.

437. Ought not the revenue arising from these lands to have been applied to the liquidation of the war loss claims, instead of increasing the public debt and duties on imports for that purpose?—I should think so: I once dined with General Brown, in a canal boat, travelling to Rochester, when, speaking of the late war, I asked him what the United States could have had in view in invading Canada; his answer was, that the Crown and Clergy Reserves would in a manner have recompensed them for the expenditure.

438. Would not the British constitutional system, by which the head of the government is obliged to choose his councillors and principal officers from among men possessing the confidence of the popular branch of the legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of government?—Certainly, it would be better adapted to the wishes of the people.

439. Why have you formed this opinion?—Because an arbitrary government does not suit an enlightened community.

440. What check would you propose on hasty, partial and injurious legislation in England affecting the commerce, and through it the general interests and prosperity of this colony?—Only by a fair representation to the British Parliament.

442. The undue preference and exclusive privileges granted to certain religious denominations, are much complained of; would it not tend to strengthen good government if they were altogether abolished?—I think it would. There are 2,500 acres of land in the 4th Riding of Lincoln, that were surveyed and reserved between 1787 and 1789, in lieu of side lines; they are denominated on the surveyor's plan as glebes. Last summer, in June I think, through the interest of Mr. Anderson, the Episcopal clergyman and two of the Wardens of St. Paul's Church at Port Erie and Bertie, there was a license of occupation granted for 1,500 acres to Westley Lewis and Alexander Douglass, as said Churchwardens of Mr. Anderson's church; we complain that this property belongs in common to the several townships as commons, in lieu of side lines.

443. Would not it be desirable that the Clergy and Crown Reserves and all reservations of land, otherwise than for education and roads, were disposed of for public purposes under the control of the Legislature?—I should think so.

444. Ought not the whole public revenue to be paid in the gross into the exchequer or treasury of the Colony, and the proceeds applied only according to law?—Certainly, that is my impression.

445. What check has the House of Assembly on the other branches of the Government, as a means of preventing executive usurpations of popular rights?—In my impression, it has never had any.

446. Many complaints are made that the judges and clergymen of the Church of England and Rome, hold seats in the Executive and Legislative Councils; are not such seats incompatible with their spiritual and judicial functions?—I should think so.

447. It is complained to His Majesty that sheriffs hold their offices in abject dependence on the will of a government irresponsible to public opinion;—that they choose the grand and petit jurors without reference to their fitness, but often from political considerations;—what remedy would you provide to secure the subject a fair trial by jury?—Perry's Jury Bill.

448. In what manner are appointments in the militia made in your district?—Militia officers are recommended by the Colonel and commissioned by the Lieutenant Governor.

449. Would it not be an advantage to the people if a law were passed for the abolition of Militia trainings?—Yes, because Militia trainings are attended with many evil consequences and no good.

450. What are your objections to the Legislative Council as now constituted?—I think a majority of them are men who do not study the wishes of the people, nor the interests of the country.

451. In case the House of Assembly, or large bodies of the people should be of opinion that a public officer deserved impeachment, by what means could he be tried?—That I cannot answer.

452. Is it just to the Baptists, Quakers, Menonists, Tunkards, Independents, Seceders, and other classes of Christians, whose spiritual teachers receive no share of the public revenue for their religious services, that the clergy of the Kirk of Scotland, the Catholic Bishop and Clergy, and that the Methodist Ministers should, without the sanction of the Legislature, have a bounty paid for the performance of their religious duties?—I think it very unfair.

453. Do you not consider the custom of pensioning the judges to a large annual amount by orders from the Colonial Office, out of the Upper Canada revenue and without reference to the Provincial Legislature, destructive of the independence of the bench in a great measure?—I do.

454. Is not the appointment of public officers and magistrates by an irresponsible executive government destructive in a great degree of the power of the people in the Constitution?—It tends very much to their dissatisfaction.

455. How can a bench of judges dependent on the Colonial Office for their customary retiring pensions, and independent of the House of Assembly, act impartially between the parties, in cases where a collision may arise, between the Legislative and the Executive Departments in this Colony, or between the British Statutes and the Provincial Laws?—I do not think they can.

456. What objections can be urged against a fair and equal representation of the qualified electors in the House of Assembly? Why should four townships in one part, with 4,000 inhabitants, send two members; and five or six in another part, as a Riding, with 15,000, send only one: this arrangement being based neither on extent of Territory, property, nor population?—I think the system of the representation unjust.

457. What mode would you recommend for the better government of the Post Office, and for allowing the control thereof to the Colony?—I should recommend the passage of a law by the Colonial Legislature.

458. Is not the tax on newspapers for the personal advantage of Mr. Stayner a strong ground of public complaint?—From what I have lately learned, it is.

459. Did not the Canada Committee of 1823 recommend that the whole public revenue should be under the control of the House of Assembly?—I have not seen that Report.

460. What Board of Audit is there in the Province?—I don't know of any.

460. Does not a vast annual additional expense fall on the Province, owing to the continual rejection of bills of a general character sent up by the House of Assembly, rejected in the Legislative Council, and again introduced, debated, and sent up by the House of Assembly?—There must be a great deal of expense and loss of time.

462. In what way does the sheriff of your district do his duty?—By deputy.

463. Has not the present irresponsible system of government in Upper Canada a tendency to discourage the emigration of the more wealthy and enterprising class of emigrants into the Province?—To my knowledge the most wealthy of the emigrants go to the United States and reside there; they allege that they like the management of that country.

JAMES DURAND, Esq., M. P. P., FOR HALTON COUNTY,  
*called in and examined.*

464. Has not the present irresponsible system of Government in Upper Canada a tendency to discourage the immigration of the more wealthy and enterprising class of emigrants into the Province?—I am fearful that it has that tendency, as a great number of wealthy emigrants settle in the United States, very many persons of large capital.

465. How many actions is it usual for the Bank to raise against a defaulter, whose note has two endorsers?—Generally three.

466. Have you made recommendations to His Excellency for fit men to be placed in the Commission of the Peace?—I never have.

467. Are the Justices of the Peace resident in your county chosen exclusively from one party in politics, or indiscriminately from respectable men entertaining various political opinions?—Most generally from men on the ministerial side, in politics, very frequently half-pay officers, and new comers not known to the people; which is a subject of complaint.

468. Are men chosen to fill the Commission of the Peace and the offices of the District who have been long resident in it, or are strangers more generally preferred?—Latterly I think they have been mostly new comers, and persons in whom the people have but little confidence.

469. What bank notes have the greatest circulation in your District?—I have an idea the Commercial Bank circulates as many as any, if not more in the District where I reside.

470. What is the population of the county you represent?—About 30,000 souls.

471. Have the monies arising from the sale of wild lands for assessed taxes, or from payment on such assessments on these lands, been prudently expended by the Magistrates in your District?—I am not sure; but think I have heard of some complaints.

472. Are the Common Schools in your District sufficiently numerous and efficient for the wants of the country?—I think not, generally speaking.

473. What is your opinion of the Canada Company?—I think they are a speculating body, who will yet do great injury by accumulating wealth; by draining the country of money and sending it to England.

474. Would not the British Constitutional system, by which the head of the Government is obliged to choose His Councillors and principal officers, from among men possessing the confidence of the popular branch of the Legislature be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of Government?—I am decidedly of opinion that it would, and be in unison with the wishes of the people.

475. Ought not the whole public revenue to be paid in the gross into the Exchequer or Treasury of the Colony, and the proceeds applied only according to law?—Certainly. I think so, by a well administered Government.

476. The undue preferences and exclusive privileges granted to certain religious denominations; are much complained of—would it not tend to strengthen good government if they were altogether abolished?—Yes, I think it would be well to abolish all invidious religious distinctions.

477. A very large sum of money, collected by direct taxation, is annually entrusted to the Magistrates, they being irresponsible to the public either directly or indirectly; would it not be more in accordance with the genius and spirit of the Constitution if these monies were placed under the control of persons appointed by the qualified electors?—I should think it would be more satisfactory to the people, to place the control in their hands.

478. What are your objections to the Legislative Council as now constituted?—I think the Members too often are regardless of the wishes of the people as appears by the frequent rejection of useful laws passed by the House of Assembly for their benefit, and if made elective, would be more likely to study the wishes of the country.

479. Do you not consider the custom of pensioning the Judges to a large annual amount by orders from the Colonial Office, out of the Upper Canada revenue, and without reference to the Provincial Legislature, destructive to the inde-

pendence of the Bench in a great measure?—I think the pensions allowed to superannuated, or retired Judges heretofore quite too large.

480. Are there not too many dependent persons and holders of office in the Legislative Council?—I think there are, to act independently, for the people.

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FRIDAY, 27th MARCH, 1835.

The Hon. GEO. H. MARKLAND, INSPECTOR-GENERAL OF PUBLIC ACCOUNTS, MEMBER OF THE EXECUTIVE COUNCIL, AND MEMBER OF THE LEGISLATIVE COUNCIL, *called in and examined*.

481. In the return made to His Majesty's Government for 1834, upon information obtained, it is presumed from your office, we find that £550 sterling paid to the Methodists is withheld. Why has it been kept back?—It was inadvertently omitted in copying from the Warrant Book. As the authority for the payment was a despatch from Mr. Stanley and the money was accounted for by the Receiver-General in the accounts transmitted by him to the Treasury, there would be no want of information on the subject.

482. In cases where the different public accountants may have neglected to transmit their accounts periodically to your office for inspection, what steps have you taken?—I take whatever steps the law points out when they are controlled by the law. On other occasions, make it known to the Lieutenant Governor.

483. Would it not be desirable that the whole of your duties as Inspector General should be accurately defined by law?—It would be much more agreeable to me, provided it was consistent in every respect with my office, which of course is subject to the orders of the Lieutenant Governor.

484. What account have you to shew this Committee who are in arrear on leases, ferries, bonds, &c.?—The account, so far as I am concerned, has been transmitted with the public-accounts, except in one or two instances where arrangements have been made with the parties, in order to save loss to the public.

485. Can you shew this Committee the detailed accounts and vouchers of the monies paid to the Methodists in 1833 and 1834, amounting to £2800?—The vouchers are the warrants in the hands of the Receiver General.

486. On referring to the Journals of 1833-4 (Appendix



page 19,) it appears that £284 15s 5½d was due by Mr. Solicitor General Hagerman in a balance on his receipts as Collector of Customs several years before. How was that debt settled?—The Solicitor General claims a larger sum from government, which claim is now before the Council, and if allowed would be much more than a set off against that sum—it therefore would not have been accurate to state it as money likely to become available.

487. It appears by documents sent down to the House, that £795 18s 10½ and £143 13s 11½ £939 12s 8d sterling, were paid to Mr. Chewett (from the duties levied under 14th Geo. 3rd) in 1832 and 1833 because he had paid over that sum, or half his salary and emoluments from 1st November, 1829, to Mr. Hurd the present Surveyor General—why was this payment made, and when did Mr. Hurd commence his personal services in this country?—Reference to be had to the parties themselves.

488. Is the Lieutenant Governor obliged, in matters of state policy, to ask your advice as an Executive Councillor?—In some cases the law directs that he shall consult his Council, but not in others; with respect to the Land Granting Department he is required by the constitution to do so.

489. If he asks the advice of the Executive Council is he obliged to follow it? If he asks your advice and disagrees with you in opinion can he resist your suggestions and follow the dictates of his own judgment?—An answer to this question is contained in the reply of His Excellency to an address of the Assembly on that subject.

490. If the Lieutenant Governor sees fit may he not call for the opinion of any one, two, or three of the members of the Executive Council, without summoning the others?—The Lieutenant Governor is at liberty to take advice of any one of his Council when he pleases. When he takes their advice in Council, they are all summoned to attend.

491. If His Excellency receive Despatches from the Colonial Office, can he act on them as he sees fit without the advice of the Executive Council?—It depends upon the nature of the Despatches.

492. If he does ask their advice can he submit an extract of the Despatch to their consideration, or are all despatches and communications between the Lieutenant Governor and the Colonial Office, enregistered and open to the inspection of all the members of the Executive Council?—I do not answer that question.

493. Has the Lieutenant Governor the power of appointing honorary and ordinary members of the Executive Council?—No, the appointments are made by the King.

494. Have you read Mr. Elmsley's letter, advertised in the newspapers in resigning his seat at the Executive Council Board, and are the statements contained in it susceptible of any explanation?—I have read the letter and have nothing further to state on the subject.

495. If the Lieutenant Governor should be desirous of paying away the revenue on his own responsibility, or with the advice of the Executive Council, without the sanction of law, what check is there to prevent his doing so?—I think the question could be best answered by the Receiver General in whose charge the revenue is placed.

496. To whom are the Executive Councillors responsible for the advice they give the Lieutenant Governor at any time?—This question has been answered in the reply of His Excellency before alluded to.

497. In case the Executive Council had recommended a grant of land to be given to any person on petition, during the period when land was granted here, could the Lieutenant Governor refuse or confirm their decision, at his pleasure, or was he bound by their acts?—He could refuse or confirm as he pleased.

498. Referring you to the despatches of Sir Peregrine Maitland to Sir George Murray, printed by order of the House of Commons, and containing an account of certain circumstances arising out of a military outrage, alleged to have taken place at the Falls of Niagara, wherein the private character of Mr. Forsyth, the complainant, is assailed, a select committee of this House denounced as "conspirators," and the House itself described to His Majesty as "an unprincipled faction"—the Committee wishes to know by whose advice and on whose responsibility these despatches were written?—I do not desire to answer that question.

499. Would not the British Constitutional system, by which the head of the government is obliged to choose his Councillors and principal officers from among men possessing the confidence of the popular branch of the Legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of government?—I do not desire to offer an opinion on this subject.

500. What are your objections to an Elective Legislative Council?—I have no desire to give an opinion on any general subject where the reasons for that opinion cannot be understood and recorded.

501. The vote by ballot in elections is prayed for in many petitions both to the Assembly and to His Majesty. What is your opinion of this mode of voting?—I decline giving my opinion upon that question.

502. Do you not consider the custom of pensioning the Judges to a large annual amount, by orders from the Colonial Office, out of the Upper Canada revenue, and without reference to the Provincial Legislature, destructive of the independence of the bench in a great measure?—I do not give any opinion on that subject.

503. How can a bench of judges, dependent on the Colonial Office for their customary retiring pensions, and independent of the House of Assembly, act impartially between the parties in cases where a collision may arise between the Legislative and Executive Departments in this Colony, or between the British Statutes and Colonial Laws?—I do not believe it would influence their decisions, and is certainly better than their being dependent on the people.

504. Do you think the Lieutenant Governors of themselves have a sufficient knowledge of the inhabitants of the several districts to enable them to select judicious persons as justices of the peace?—They may be possessed of it by making proper inquiries from the persons in those districts, and I have no doubt they do so.

505. In case the House of Assembly, or large bodies of the people, should be of opinion that a public officer deserved impeachment, by what means could he be tried?—The Governor might be addressed to remove him from office, and if it were just he could do so.

506. It is complained to His Majesty that sheriffs hold their offices in abject dependence on the will of a government irresponsible to public opinion; that they choose the grand and petit jurors without reference to their fitness, but often from political considerations; what remedy would you provide so as to secure to the subject a fair trial by jury?—They are now governed in their duty by the law, and the law may be changed whenever the three branches accede to it.

507. Have not the resident settlers, by the improvements they have made, and the House of Assembly, by its liberal grants for roads and bridges, and in aid of inland navigation, given to the public lands their greatly increased value, as compared with 1792?—Both circumstances have increased the value of those lands together with the increased demand caused by immigration.

508. Ought not the revenue arising from those lands to have been applied to the liquidation of the War Losses claims, instead of increasing the public debt and duties on imports for that purpose?—I have no reply to make to that question.

509. Do you know why the Province is paying £200 sterling a year to England as a pension to Sir D. W. Smith, a Northumbrian Baronet?—I take it for granted it is by an order from His Majesty's Government.

510. If £200 was considered an equivalent provision for a surveyor general, on what principle was £400 lately granted as a pension to Mr. Chewett who merely held the office of acting surveyor general?—It is by an order from the King's Government that pensions are assigned to the servants of the Crown.

511. Is it just that the Baptists, Quakers, Menonists, Tunkards, Independents, Seceders, and other classes of Christians, whose spiritual teachers receive no share of the public revenue for their religious services, that the Clergy of the Kirk of Scotland, the Catholic Bishop and Clergy, and that the Methodist Ministers should, without the sanction of the Legislature, have a bounty paid for a performance of their religious duties?—I have no opinion to give.

512. Would it not be desirable that the Clergy and Crown Reserves and all reservations of land, otherwise than for education and roads, were disposed of for public purposes, under the control of the Legislature?—I have no opinion to give this Committee on those subjects.

513. Ought not the whole public revenue to be paid in the gross into the exchequer or treasury of the Colony, and the proceeds applied only according to law?—I give no answer.

514. What check has the House of Assembly on the other branches of the Government, as a means of preventing executive usurpation of popular rights?—The constitution is quite as well understood by every person present as by myself.

*(The Witness withdrew.)*

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27TH MARCH, 1835.

JAMES KING, Esq., *again called in and examined.*

514. \*What influence have the Government pensions on the the Catholic clergy of this Province?—These pensions convert some of them into politicians, and as Bishop McDonell is a pensioner himself and independent of the people, it makes him less anxious to promote the religion, of which, in this Province, he is at the head. I recollect on one occasion the Rev. Mr. Downey, an exceedingly intemperate man, was staggering through the streets, at noon day, intoxicated, coming from the hospital to Bishop McDonell's house. I called the Bishop's attention to it through the press; but nothing was done. I believe that the disputes between the Bishop and Doctor O'Grady had their origin in politics.

Prior to the Bishop's return from his political mission through the Colony in 1831-1832, he left directions with Dr. O'Grady to call a public meeting of the Catholic people of this place to address His Majesty on behalf of the local Government; the meeting was called by the Inspector General, (Mr. Baby) and others and the requirement met with no support. The Bishop, on his return, expressed displeasure that Dr. O'Grady had not taken active means to insure the success of the meeting; he then called one himself. The Bishop sent for me that morning and requested that I would join him; I told him that I would attend no political meeting exclusively of Roman Catholics, apart from the rest of the population of the place; when he took me by the arm to endeavor to get me to attend, but I would not. From that time forward the Bishop's manner was altogether changed, and I date from thence the commencement of all the hostility which has since existed between the Bishop and the Rev. Dr. O'Grady.

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WEDNESDAY, 1st APRIL, 1835.

THE HON. and VEN. JOHN STRACHAN, D. D., ARCHDEACON OF TORONTO, A MEMBER OF THE LEGISLATIVE AND EXECUTIVE COUNCILS, *called in and examined.*

515. What offices and places of emolument and trust do you hold under the British and Colonial Governments?—President of King's College, no salary until the University shall go into operation—Archdeacon of York, and Senior Member of the Executive Council.

516. What sum is annually expended from public sources for education in this City? And how many children are there educated between 6 and 16?—There are about 1200 children in this town; but as to the expense of their education I have no knowledge.

517. What objections have you to the bill passed by the Assembly in the 10th Parliament, entitled, "An Act to establish Upper Canada College," and intended to give a more liberal constitution to that public institution?—I have no recollection of the provisions of the bill.

518. What Board of Audit is there in the Province?—I believe it is generally known to every body.

519. Is the Lieutenant Governor obliged in matters of state policy to ask your advice as an Executive Councillor?—I refer you to the Constitutional Act.

520. If he asks the advice of the Executive Council is he obliged to follow it? If he asks your advice and disagrees

with you in opinion, can he reject your suggestions and follow the dictates of his own judgment?—I refer you to the Constitutional Act.

521. If the Lieutenant Governor sees fit, may he not call for the opinion of any one, two or three of the Executive Councillors without summoning the whole?—I cannot answer that question, because I do not understand its object.

522. If His Excellency receive despatches from the Colonial Office, can he act on them as he sees fit, without the advice of the Executive Council?—I have no answer to give to that question.

523. If he does not ask their advice, can he submit an extract of the despatch to their consideration, or are all despatches and communications between the Lieutenant Governor and the Colonial Office, enregistered and open to the inspection of all the Members of the Executive Council?—I cannot answer that question.

524. Has the Lieutenant Governor the power of appointing honorary and ordinary Members of the Executive Council?—The Mandamus of the King appoints, whether the one or the other.

525. Can he change an honorary into an ordinary Member?—No.

526. Have you read Mr. Elmsley's letter advertised in the newspapers on resigning his seat at the Executive Council Board, and are the statements contained in it susceptible of any explanation?—I have no hesitation in saying the statement was not correct.

527. If a Lieutenant Governor should be desirous of paying away the revenue on his own responsibility or with the advice of the Executive Council, without the sanction of law, what check is there to prevent his doing so?—I could not answer that question as it assumes a case of which I have no experience.

528. Sir P. Maitland gave a Warrant upon Mr. Dunn, on 27th March, 1826, for £141 14 8½ for expenses incurred for hiring horses for him and his suite in visiting the settlements in the month of February previous. The order was given on the Casual and Territorial Revenue; can the Lieutenant Governors grant Warrants for sums not authorised by law, upon that Revenue?—I have no answer to give.

529. To whom are the Executive Council responsible for the advice they give the Lieutenant Governor at any time?—I do not answer that question.

530. In case the Executive Council had recommended a grant of land to be given to any person on petition, during the period when land was granted here, could the Lieutenant Go-

vernor refuse or confirm their decision at his pleasure, or was he bound by their acts?—The Governor may or may not agree.

531. Referring you to the despatches of Sir P. Maitland to Sir George Murray, printed by order of the House of Commons, and containing an account of certain circumstances arising out of a military outrage, alleged to have taken place at the Falls of Niagara, wherein the private character of Mr. Forsyth the complainant, is assailed; a select committee of this House denounced as “conspirators,” and the House itself described to His Majesty as “an unprincipled faction;” the Committee wishes to know by whose advice and on whose responsibility these despatches were written?—I have no knowledge of the circumstance.

532. When did your Patent as Archdeacon of York issue?—I was made Archdeacon in 1824, but owing as I believe to the death of the Bishop and the appointment of a new one, and the difficulty of dividing the Province into two Archdeaconries, the Patent was not issued till 1826 or 1827.

533. Why do you speak of your salary as Archdeacon of York for 1825 in your letter of 3rd of March, ulto. to Colonel Rowan?—I was considered to be entitled to my salary from the date of my appointment.

534. The sum of £300 sterling appears to have been paid you when in England out of the Canada Company's funds:—in one Return to the House of Commons, it is stated to be for services during the reference—in another to have been for expenses in attending the \_\_\_\_\_ of agreement with the Canada Company:—in your letter of 3rd March you state that it was for your salary as Archdeacon of York in 1825—were two sums paid?—There was only one sum of £300 sterling, paid to me, and I understood it to be as I have stated in my letter.

535. Can you point out to this Committee any law of the Province establishing the Executive Council a Board to judge and audit the Accounts of public officers and others?—I believe that the Executive Council sat as a Board of Audit previous to the enactment of the Constitution and has continued to do so ever since.

536. Have your functions and salary as President of the General Board of Education ceased, and if so, under what authority, and who has succeeded to the emoluments and office?—I understood, that in consequence of an address of the House of Assembly that board was suppressed.

537. By what authority were the Statutes given out by contract in 1825, and after being well and cheaply done have ever since been given at a far higher price to Mr. Stanton?—I have no knowledge of that question.

538. [Witness is shewn the Official Return of bills from the Assembly lost in, or lost by amendments, from the Legislative Council, and asked] What change would you propose in the Legislative Council, so that it might better harmonize with the House of Assembly?—I cannot answer that question, for I do not understand it, unless it imply a change in the Constitution to which no loyal subject can consent.

539. Are there not, in your opinion, too many dependent persons and holders of office in the Legislative Council?—Certainly not.

540. What check would you propose against sudden, ill-advised, and injurious Legislation in the Imperial Parliament, on matters affecting the trade and commerce, and through them, the agricultural and general interests of the Province?—I do not feel competent to give any opinion on that subject. But this I know, that the parent state is ever ready to confer every benefit in her power upon her colonies, consistent with the general interests of the empire, and no colony can with justice expect more.

541. Was Mr. Appleton's application for his proportion of the public monies, as a teacher in this city, unfavorably reported on to the Lieutenant Governor by His Council?—I have no recollection.

542. When you were absent in England 22 months did your salaries, emoluments, and advantages from office continue to be paid the same as when you were at home doing the duty?—The duties were performed at my own expense.

543. Does not a vast annual additional expense fall upon the Province, owing to the continual rejection of bills of a general character, sent up by the House of Assembly, rejected in the Legislative Council, and again introduced, debated and sent up by the House of Assembly?—I beg leave to state that the Legislative Council reject no bills without good reasons, and that body has always appeared to me to have made the good of the Province much more its study than the House of Assembly, and need fear no comparison in true patriotism, wisdom, and ability.

544. In what way can the popular branch of the Legislature influence the government so as to secure the appointment of proper persons as arbitrators, to decide on the proportions of revenue coming to Upper Canada from duties levied at the port of Quebec?—I do not answer that question, not understanding why one branch of the Legislature should have more influence than either of the other two: but experience proves that the arbitrators of this Province have always conducted the business with success and ability. What more can be wished?



545. Would not the British Constitutional system, by which the head of the government is obliged to choose his Councilors and principal officers from among men possessing the confidence of the popular branch of the Legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible mode of government?—I do not believe the government is an irresponsible one; the rest of the question is too vague to admit of a definite answer.

546. In what way is the government of this colony responsible to public opinion, as expressed by the representatives of the people in Parliament?—I could not answer that question otherwise than by saying, that the government is quite as responsible as any other government.

547. [The witness is shewn the Post Office Return, and asked] What mode would you recommend for the better government of the Post Office, and for allowing the controul thereof to the Colony?—I have not given the subject consideration.

548. In case public officers prove remiss in the performance of their duties, how or by what tribunal can they be tried?—I am not aware of any, but I think a court of impeachment, under proper regulations, would be of great use—I think the Legislative Council would be a proper tribunal for that purpose.

549. Do you not consider the custom of pensioning the Judges to a large annual amount, by orders from the Colonial Office, out of the Upper Canada revenue, and without reference to the Provincial Legislature, destructive of the independence of the bench in a great measure?—The Judges are rendered independent by law; but the law is deficient, in as much as it does not provide for a retiring allowance to the Judges, if therefore there be any fault it is in the House of Assembly.

550. Do you think Lieutenant Governors, of themselves, possess a sufficient knowledge of the inhabitants of the several districts to enable them to select judicious persons as justices of the peace?—Certainly I do, for they have the best sources of information, and are quite independent.

551. It is complained to His Majesty that sheriffs hold their offices in abject dependence on the will of a government irresponsible to public opinion; that they choose the grand and petit jurors without reference to their fitness, but often from political considerations: what remedy would you provide so as to secure to the subject a fair trial by jury?—I cannot answer that question, owing to its assumptions, which I do not admit.

552. Have not the resident settlers, by the improvements they have made, and the House of Assembly, by its liberal grants for roads and bridges, and in aid of inland navigation, given to the public lands their greatly increased value as compared with 1792?—It is an incidental advantage which gives them no particular claim.

553. Ought not the revenue arising from these lands to have been applied to the liquidation of the War Loss claims, instead of increasing the public debt and duties on imports for that purpose?—I would not answer that question, for I do not admit its correctness, as the Government have given large sums for that very purpose.

554. Ought not the whole public revenue to be paid in the gross into the exchequer or treasury of the Colony, and the proceeds applied only according to law?—I do not answer that question.

555. Does not the immense patronage of the local and general Government, uncontrolled as it appears to be by the House of Assembly, render nugatory in a great degree the efforts of the representative body to assert and maintain its constitutional independence?—Certainly not, for the members of the House of Assembly have been the chief office holders and the chief office expectants for the last thirty years.

556. The vote by ballot in elections is prayed for in many petitions both to the Assembly and to His Majesty; what is your opinion of this mode of voting?—Nobody would ask for the vote by ballot but from gross ignorance; it is the most corrupt way of using the franchise.

557. Is it just to the Baptists, Quakers, Menonists, Tun-kards, Independents, Seceders, and other classes of Christians, whose spiritual teachers receive no share of the public revenue for their religious services, that the Clergy of the Kirk of Scotland, the Catholic Bishop and Clergy, and the Methodist Ministers should, without the sanction of the Legislature, have a bounty paid for the performance of their religious duties?—That question is not put in a way in which I could answer it.

557. The undue advantages and exclusive religious privileges granted to certain religious denominations are much complained of; would it not tend to strengthen good government if they were altogether abolished?—There should be in every Christian country an established religion, otherwise it is not a Christian but an Infidel country.

559. The Government of Upper Canada does not confine itself to maintaining one form of the Christian religion; it selects four particular denominations; and within the last two years appears to have paid them about £35,000, while the

other sects received no part of the public monies: do you think this was a just course?—The Government does so little in support of the Christian religion, that I am thankful they do this much.

560. Do you consider the Clergy Corporation legal?—Certainly I do.

561. Are you aware that the Legislative Councillors receive a far larger proportion of the taxes than they and their families contribute?—I have not the means of answering that question, for I am not aware of their receiving any share of the taxes whatever.

562. Do you think the local knowledge possessed by the Lieutenant Governors of this Colony generally, sufficient to enable them to nominate independent men, otherwise well qualified, to the office of Legislative Councillor?—I think the information is very open to them.

563. Has not the present irresponsible system of government in Upper Canada, a tendency to discourage the emigration of the more wealthy and enterprising class of emigrants into the Province?—Certainly not; the Executive Government does every thing to encourage emigration, but the slanderous newspapers make people at a distance believe that there are difficulties in the Province, and produce a contrary effect.

564. In your letter of the 3rd of March, to Colonel Rowan, in explanation of a payment of £500 or £524 sterling, made to you in London from the Canada Company's fund, you state that it was to defray charges respecting King's College; we are desirous to ascertain for the information of the House, the way in which this money was expended, and the particular items of expense incurred by you, for which this was your remuneration?—I have no further explanation to give than what my letter contains. The Colonial Department, under whose direction it was expended, was satisfied, and no part of the £500 remained with me.

565. On referring to public documents within our reach, we find that £324, and £524 sterling, and £712 16s 2d, and £678 6s 8d, and 2000 acres of land in the Gore of Toronto, were given or paid to you when in London or since, on account of your journey to England, or on matters therewith connected. It also appears that since the 1st day of January, 1826, you have received £2,250 as President of the Board of Education, up to January 1833; £2700 as Archdeacon of York, and £1000 as an Executive Councillor; besides sums "for dilapidations on your living;" for the gaol ground; for the "small strip rents," Toronto; for the acre, formerly the Hospital Square, with other sums. For the information of

this Committee, and in order to prevent misrepresentations and misapprehension we are desirous that you would furnish the Committee with a statement of all monies or grants, as payments made to you, for any purpose whatsoever, since 1st of January, 1826, whether from Colonial Revenue, Crown Lands, the Society for promoting Christian Knowledge, His Majesty's Government, rents of reserves, clergy grounds, glebe rents or uses, or from any other public source whatsoever, either here or in England?—For a complete explanation of the various matters contained in this question, I beg leave to refer to two letters addressed to Lieutenant Colonel Royan; one bearing date the 31st January, the other the 3rd February,\* both are I believe in the possession of the Committee. In these will be found answers quite satisfactory to every honorable mind.

I must at the same time enter my protest against the manner of putting this question, which is evidently calculated to mislead the careless and ignorant, though I am willing to believe that such could not be the object of the Committee.

Various sums are mentioned, which were paid at different times, for great and important services, and items of annual income are multiplied by ten, as if I had received such large sums at once; whereas they are spread over the space of ten years, and ought, in common decency as well as in justice, to have been specified according to their annual amount, or one tenth part of that which the question makes them.

*(The Witness withdrew.)*

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MONDAY, 6th APRIL, 1835.

THE HON. PETER ROBINSON, LEGISLATIVE AND EXECUTIVE COUNCILLOR, AND COMMISSIONER FOR THE SALE OF CROWN LANDS, &c., called in and examined.

566. How often do you account to the Inspector General for your intromissions as a manager of Public lands?—Half yearly for Crown Lands sold, and at the end of each year for the dues on Crown Timber.

567. Do you, as a Member of the Executive Council, audit your own transactions, in your several capacities of Crown Land Commissioner, Commissioner for the sale of Clergy Reserves, and Surveyor General of Woods: or are these accounts submitted

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\* It is probable that the witness alludes to his letter of the 3rd of March, 1835, there being no letter of 3rd of February on the Records of the House of Assembly.

to no supervision whatever on this side the Atlantic?—I do not attend the auditing of my own accounts. In the first instance, they are sent to the Inspector General for examination, and by him submitted with his remarks to the Council for audit.

568. Were the laborers under the late Mr. Roswell Mount's superintendance paid for Sunday work? Occasionally they were, as it was necessary that there should be no delay in preparing houses to shelter the Emigrants as they arrived, as well as to erect Store-houses, and an Hospital.

569. Could not the Surveyor General perform the duty you are paid £500 sterling for, under the title of "Surveyor General of Woods"?—I think the duties of the present Surveyor General occupy all his time.

570. Is the large number of Clerks in your office essential to the transaction of the public business entrusted to you?—They are all absolutely required. The House of Assembly having raised the salary of the Clerks in other public offices, the Clerks in my own petitioned the Governor in Council to be placed on the same footing; and I received an order directing me to make the additional allowance.

N. B.—The latter part of this answer was given in reply to a question respecting the increase of salary allowed to my Clerks.

571. Have not the resident settlers, by the improvements they have made, and the House of Assembly, by its liberal grants for roads, bridges, and in aid of inland navigation, given to the public lands their greatly increased value as compared with 1792?—Yes, no doubt.

572. Ought not the revenue arising from these lands to have been applied to the liquidation of the War Loss Claims, instead of increasing the public debt and duties on Imports for that purpose?—I decline answering that question.

573. Does not the immense patronage of the local and general government, uncontrolled as it appears to us to be, by the House of Assembly, render nugatory, in a great degree, the efforts of the Representative body, to assert and maintain its constitutional independence?—I decline answering that question.

574. Do you approve of the government paying, without the consent of the Assembly, for the religious services of four Christian denominations?—I decline answering that question.

575. Would not the British Constitutional system by which the head of the government is obliged to choose his Councillors, and principal officers from among men possessing the confidence of the popular branch of the Legislature, be more suitable to the wants and wishes of the Country, if adopted in Upper Canada, than the present irresponsible mode of government?—I decline answering that question.

576. Do you not consider the custom of pensioning the Judges to large annual amount, by orders from the Colonial Office, out of the Upper Canada Revenue, and without reference to the Provincial Legislature, destructive of the independence of the Bench in a great measure?—I am not prepared to answer that question.

577. Do you think the Lieutenant Governors of themselves possess a sufficient knowledge of the inhabitants of the various Districts, to enable them to select judicious persons as justices of the Peace?—The Lieutenant Governor has various sources from which to obtain information as to persons qualified to be Magistrates, among others, from the Members of the House of Assembly at their annual meetings.

578. In case the House of Assembly, or large bodies of the people, should be of opinion, that a public officer deserved impeachment—by what authority could he be tried?—I am not aware of any power vested in any tribunal here for that purpose.

579. It is complained to His Majesty, in petitions numerously signed that Sheriffs hold their offices in subject dependence on the will of a government irresponsible to public opinion, that they choose the Grand and Petit Jurors without reference to their fitness, but often from political considerations. What remedy would you provide so as to secure to the subject a fair trial by jury?—I have not given the subject sufficient consideration to enable me to suggest any better mode than the present.

580. Would it not be better that the sale and disposal of the public lands and other public property were in all cases regulated by law?—I see no objection to such a measure.

581. Ought not the whole public revenue to be paid in the gross into the Exchequer or Treasury of the Colony, and the proceeds applied only according to law?—I must decline answering that question.

582. Would not it be advisable that the Clergy and Crown Reserves and all reservations of land, otherwise than for education and roads were disposed of for public purposes, under the control of the Legislature?—I must decline answering that question.

583. What check has the House of Assembly on the other branches of the government, as a means of preventing Executive usurpations of popular rights?—I think the sum annually required from the Assembly to carry on the public service, is a sufficient check.

584. Has not the present system of government in Upper Canada, tendency to discourage emigration of the more wealthy and enterprising class of emigrants into the Province?—I do not think it has, hitherto.

585. The vote by ballot is prayed for in many petitions, both to the Assembly and to His Majesty: what is your opinion of this mode of voting?—I have always been opposed to the vote by ballot.

586. Would you favour the Committee with your reasons why you are opposed to it?—I am opposed to it on the ground of its not being in accordance with the practice pursued in the parent state, and from the conviction I feel that the vote by ballot does not afford any additional protection to the individual in the exercise of his right, as it is notorious that it is always well known to which party he gives his vote and interest.

587. Do you know why this Province is paying £200 sterling a year to England, as a pension to Sir D. W. Smith, a Northamptonshire Baronet?—I do not.

588. Is the Lieutenant Governor obliged in matters of State Policy, to ask your advice as an Executive Councillor?—Only in cases where the 31st of the King requires that he shall act with the advice of the Executive Council.

589. If he asks the advice of the Executive Council, is he obliged to follow it. If he asks your advice and disagrees with you in opinion, can he reject your suggestions, and follow the dictates of his own judgment?—I decline answering that question.

590. If His Excellency receive Despatches from the Colonial Office, can he act on them as he sees fit: without the advice of the Executive Council? If he does ask their advice, can he submit an extract of a Despatch to their consideration, or are all Despatches and communications between the Lieutenant Governor and the Colonial Office, enregistered, and open to the inspection of all the Members of the Executive Council?—I decline answering that question.

591. Have you read the Hon. Mr. Elmsley's letter advertised in the newspapers on resigning his seat at the Executive Council Board? The letter is as follows:—

HOLLAND HOUSE, }  
York, December 3rd, 1833. }

“SIR,

“In order to prevent any misconceptions as to the motives which have induced me to resign my seat in the Executive Council, I beg to be permitted to make your paper the channel through which my reasons for taking that step may be communicated to the public in their proper light. In the year 1830, His Majesty was graciously pleased, in compliance with the recommendation of His Excellency Sir John Colborne, to call me to the Executive Council of this Province. For that mark of His Majesty's Royal favour and of His Excellency's consideration, I feel highly proud and deeply grateful, but since I have assumed the duties of that high office, I find that I cannot fearlessly express my real sentiments and opinions, if opposed to the Government for the time being, without incurring the risk of dismissal from that Honorable Board, which constitutes my inability to advance the public good. I have therefore deemed it expedient, most respectfully, but reluctantly, to tender the resignation of my seat in the Executive Council.

“JOHN ELMSLEY.”

Are these statements true?—A man may act quite independently, and retain his seat as an Executive Councillor.

592. What public accounts have the Executive Council been in the habit of examining and auditing of late years?—All the accounts of expenditure within the Province, except the monies appropriated by the Legislature for roads or other purposes.

593. What is your opinion as to the establishment of a general board of audit in this Province?—I think it would be advantageous.

594. (Bishop McDonnell's letter respecting the character of the Government, shewn to witness, who is asked) “Can you explain this letter in any way to this Committee?—No, I was not a member of the government at the period the writer alludes to.

595. Is any part of the judicial, ecclesiastical or civil establishments of this Province, defrayed from funds raised out of Upper Canada?—I know of no other than the monies arising from the interest of the proceeds of Clergy Reserves, remitted to England, and vested by the Lords of the Treasury in the funds.

596. Considering that you have chosen to decline answering a number of political questions on matters of opinion, rather than of facts, it may be proper to ask you, whether the Legislative Council, would not be more likely to harmonize with the House of Assembly, and would not its members be more independent were they unconnected with offices and emoluments held during the pleasure of the Executive?—I beg to assure the Committee that in refusing to give my opinions on certain political questions, I have not been governed by any captious motive, but that I have done so from the conviction that the confidential situation I hold under His Majesty's Government, would make it improper for me to express such opinions in any other place, than where my duty requires I should.

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MONDAY, 6TH APRIL, 1835.

THOMAS BAYNES, Esq. *called in and examined.*

597. In 1833, you are stated in the Blue Book, to have received £150 as Senior Clerk in the Crown Lands' Office, and £150 as Secretary to the Corporation for managing the Clergy Reserves. The same authority for 1834, shews, that in that year, both your salaries were raised—the first to £200; & the second to 300; is this the case?—Did you receive £500 in 1834 for services similar to those for which in 1833 you had £300?—In May 1833, I was appointed Sec'y to the Clergy Corporation with a salary of £150 per annum, at which period I held the situation of senior clerk in the Commissioner for Crown Lands Office, with a salary also of £150 per annum, making £300 per annum. In 1834 in consequence of the great increase of business in the Clergy Corporation Office, I found it impossible to attend properly to the duties of both offices, and upon my representing the circumstance, it was ordered in Council, on the 3rd April, 1832, that I should attend entirely to the duties of the Clergy Corporation Office, and that I should receive a salary of 300 per annum. My salary therefore in the Commissioner for Crown Lands Office ceased on the 31st March, 1834.



7TH APRIL, 1835.

MR. HENRY PANNEBACKER, FARMER, WATERLOO,  
COUNTY OF HALTON, GORE DISTRICT, *examined.*

598. You had a note in the Bank of Upper Canada?—  
Yes.

599. Was it paid regularly?—No.

600. What has been the consequence?—3 lawsuits were begun and carried down to trial on one note by Clarke Gamble, Esq. the Attorney for the Bank. The note was for £50, the interest came to £3 2s 2d, and the costs to £30, although the parties whose names were to the note, lived close together, thirty miles were charged upon the service of each paper.

The Witness delivered in an account as follows :

“The Bank of Upper Canada vs. Henry Pannebacker, John Gisguk, and Abraham Pannebacker.”

“30 miles charge upon the service of each paper.”

“3 Suits and carried down to trial.”

“Amount of note,..... £50 0 0

“Interest,..... 3 2 2

£53 2 2

“Costs,..... 30 0 0

£83 2 2

“Cr. by cash,..... 63 0 0

£20 2 2

“To be paid by 1st May at Hamilton, to Mr. Stevens.”

C. GAMBLE.

6th April, 1835.

SAMUEL P. HURD, Esq. SURVEYOR GENERAL OF UPPER  
CANADA.

601. What is the date of your appointment to the office of  
Surveyor General?—1st Nov. 1829.

602. When did you enter upon the duties of that appoint-  
ment in this colony?—22d May, 1832.

603. Did you receive any salary, fees, or other allowances  
as Surveyor General, for the time that elapsed between the  
date of your appointment and the period at which your per-  
sonal services began in this colony, as head of your depart-  
ment?—And if so, what salary or allowance did you so re-  
ceive, and by what authority?—I received six months pay in

full for the first six months after my appointment; and subsequently, half salary and emoluments to the time of my arrival in Canada. The authority, was an order from His Majesty's Home Government.

604. It appears by documents sent down to the House of Assembly, that £798 18s 10½, and £143 13s 11½, sterling money, were paid to Mr. Chewett in 1832 and 1833, out of Fund A, otherwise known as the duties levied under the Act 14th Geo. 3d, without the knowledge or consent of the Legislature, because he had paid over those sums or half his salary and emoluments from 1st of Nov. 1829, to you; why was he called on to refund this money to you, and what were the services you rendered therefor?—The sum of £795 18s 10½d is the emolument as is stated arising to W. Chewett, Esq. as the pay of his official appointment as Principal Clerk, and senior Surveyor and Draftsman—with the half emoluments of the Surveyor Generalship. The £143 13s 11½d is similarly accounted for. The reason why that gentleman paid over the half of the salary to the Surveyor General, being the sum accruing during his absence from the Province, subsequent to his appointment, is explained by the despatch from the home government, already alluded to, expressing its pleasure and conveying its directions on that subject.

605. What was your income as Surveyor General in 1834, including all fees?—Six hundred a year, sterling, being a diminished income. Fees about £75 currency.

*(The Witness withdrew.)*

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FRIDAY, 10TH APRIL, 1855.

W. W. BALDWIN, Esq. TORONTO, called in and examined.

606. Some years ago a Committee of the inhabitants of this District held a correspondence through you (as chairman of a general meeting) with Lord Viscount Goderich, and other gentlemen of influence in England, and petitions were agreed to\* and sent home. Have you preserved any of the letters addressed to you at that period concerning the affairs of the Colony?—I have the letters I received.

607. Would you have the goodness to lay them before this Committee?—I now present the same. [The Witness deli-

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\* See draft of petition annexed, as above referred to.

vered to the Committee three autograph letters, one from the Right Honorable E. G. Stanley, one from Mr. Hume, and one from Lord Viscount Goderich, which are attached to this evidence,] as follows:—

WHITEHALL YARD, April 21, 1829.

SIR,

I have the honor to acknowledge the receipt within these few days, of your letter of the 3rd of January, enclosing the Resolutions of a Public Meeting at York (which I had before seen in the Canada papers) and also of a Petition to His Majesty and the other branches of the Imperial Legislature. I have not yet received the original petition referred to, which the meeting have done me the honor of entrusting to my care for presentation to the House of Commons. I cannot therefore express any opinion upon the wording of that Petition, which must necessarily be in some degree varied from that of which I have received a printed copy, inasmuch as this, addressed to the King, contains recommendations and petitions upon various points intimately connected with the practical exercise of the undoubted prerogative. Replying therefore in some degree rather in the dark to the letter which I have had the honor of receiving from you, I may be permitted to say that you and the Committee do me no more than justice in supposing that whatever my ability may be, I shall always be happy to exert it to the utmost in the maintenance of the Constitutional rights of the Colonists, and in making known, and procuring the redress of any grievances of which they may have just cause to complain. In the exercise of that duty, on the other hand, I shall never shrink from expressing my opinion, when I think that their expectations go beyond those just rights, or when those supposed grievances are pushed beyond their proper limits; and in so doing I shall conceive that I best discharge my duty, not only as a Member of the British Parliament, but as a sincere friend to the real interests of the Colonists.

In the Petition of which I have received a printed copy, I am extremely happy to see that many of the evils complained of, and many of the suggestions for their remedy, had in fact been anticipated by the recommendation of the Committee of the House of Commons, of which I was a Member—a committee which received indeed very little evidence especially from Upper Canada, but which manifested universally as anxious a desire to come at the real truth, and to do impartial justice, as any committee upon which I ever had the honor of sitting.

With respect to the inviolability of the Constitution of 1791, and the limits of the respective jurisdictions of the Imperial and Provincial Legislatures, a point most delicate to touch upon, and most difficult to define, the Committee have, I think, expressed themselves (Report p. 8.) in a manner which must be satisfactory to the Canadas generally.

Upon the subject of the Constitution of the Legislative Council, (which I do not hesitate to say, without any disrespect to or reflection upon the individuals who compose it, is at the root of all the evils complained of in both Provinces)—upon the exclusion of the Judges, with the single exception of the Chief Justice, from all in-

*See report in  
Council*

*See list of  
Judges*

terference in political business<sup>21</sup>—and upon the necessity of introducing some alteration into the present Jury system—the three most important points of your Petition, you will find that the opinion of the Committee entirely concurs with yours—and that opinion I am disposed to support to the utmost of my power.

The absence of the Judges, I am inclined to take upon somewhat different grounds. As a substantive proposition there cannot be a doubt of the propriety of the prayer of the Petitioners upon this head: and I should even go the length of saying, that it must not only be a “most reasonable” but a very *urgent* ground, which ought to be alleged for giving a leave of absence to a Canadian Judge.—It is because I think the proposition in itself so undeniable, that I regret to find it mixed up with a peculiar case, involving much of party, and much of personal excitement—I mean of course the removal of Judge Willis. Upon the limited information which I have obtained of this case, chiefly however from parties favorable to the Judge, I cannot help thinking, without expressing any opinion as to the legal construction of the disputed Act, and even admitting him to be right in his interpretation, that his mode of giving that interpretation, and subsequent conduct, is open at least to the charge of indiscretion; and necessarily placed the Government in a situation to have at least a fair excuse for his removal, if they desired it; and feeling this very strongly, I cannot but regret that this personal case should occupy so much of the space devoted to the constitutional grievances of the Province.

With respect to the appointment of the Judges during pleasure, and not as in England, during good behaviour, giving also the power of impeachment before the Legislative Council, I must acknowledge my belief that the circumstances of the colony do not at present warrant such a step, however anxiously I may desire to see the time when they may do so—but at present I conceive such independence upon the Crown would practically be dependence upon the people, more especially unless they hold permanent salaries, of which nothing is said;—and the very terms of the Petition seem to limit a future time, when they speak of the Legislative Council, “being so modified as to become an independent branch of the Legislature”—to such a modification I fear time, as well as Parliamentary enactment, or recommendation, may be wanting. In the meantime I highly approve, as a general practice, of the appointment of Judges from the English Bar—but I think it could hardly be made a general rule, without too much discouraging the legal profession in Canada—nor is it properly a subject for the interference of the British Parliament. The same objection may be urged to the agitation of several of the minor grievances complained of.

On the last, and one of the most important topics, namely the appointment of a Local Ministry, subject to removal or impeachment when they lose the confidence of the people, I conceive there would be great difficulty in arranging such a plan,—nor are the wishes of the Petitioners very clearly expressed—for in point of fact the remedy is not one of enactment but of practice—and a constitutional mode is open to the people, of addressing for a removal of advisers of the Crown, and refusing supplies, if necessary to enforce their wishes.—I do however think that something might be done with great advantage, to give a more really responsible char-

*Survey of*

*age of supplies*

acter to the Executive Council, which at present is a perfectly anomalous body, hardly recognised by the Constitution, and effective chiefly as a source of patronage. »

I ought not to conclude without acquainting you that as it is a breach of parliamentary forms to allude in any petition, to the speeches delivered by members in their places, the direct animadversions in your Petition upon the speech of Mr. Huskisson may, and probably will, be taken as a technical ground to prevent its reception: the debate however may equally be taken upon it, and I shall take an opportunity previously of communicating with Sir George Murray, that he may be prepared to state on that occasion the views of Government relative to the various points adverted to.

I have now, Sir, stated to you without reserve, though briefly, my general views of the different points of your Petition.—If I cannot entirely concur in all of them, I give you at least a pledge that I shall not be deterred by any considerations from expressing my real opinions, and from supporting your cause, when I can conscientiously do so, in Parliament, with whatever power I may possess.

I have only to express in addition my sense of the honor done me in confiding this Petition to my care, and my hope that nothing in my public conduct will forfeit the confidence reposed in me.

I have the honor to be,

Sir,

Your obedient humble servant,

B. G. STANLEY.

W. W. BALDWIN, Esq. }  
York, U. C. }

LONDON, 1st May, 1829.

SIR,

On the 10th of April I received your letter of the 3rd of January, inclosing a copy of the Resolutions of a Meeting of the People of Upper Canada, and of a Petition agreed upon by them to the House of Commons.

I have not heard of the arrival of the Petition, but when presented by Mr. Stanley I shall be happy to support it as I concur in the prayer:

I am confident that much oppression and misgovernment takes place in the Colonies by the Government at Home being kept in ignorance of the truth, and the best mode to obtain redress is to apply to the Secretary of the Colonies direct, and to send to some Members of the Commons copies in form of petition to be presented if the Secretary does not afford relief.

The present Secretary Sir George Murray has, in his place in the House of Commons expressed the best opinions and principles on which he intended the Colonies shall be governed, and we are anxious to know whether his orders are to enforce those principles.

The Assembly in Upper Canada should agree to nothing which is not for the interest of the community and the proper controul over every item of expenditure should be the first and most important object for them to attend to. We understand that orders have

been sent out to make the College of Dr. Strachan open to all sects, and that it is to be also under a joint management of all sects of Protestants, and there is nothing the Canadians should be more cautious about than the encroachments of the Church of England to any thing like a dominant religion.

I have endeavoured to cut off the supplies of money voted by Parliament for the Church of England missionaries, but as yet without success.—I shall not cease to repeat my endeavours in that respect as I consider it most important to the peace of all the North American Colonies. We expect to hear that some changes have been made respecting your Council, and I agree with you that until these are responsible, and removable on the call of the people for abuse of power you will not be right.

Wishing every success to your endeavours, and trusting you will persevere steadily and moderately in the course you are pursuing to establish your rights.

I remain

Your obedient servant,

JOSEPH HUME.

W. W. BALDWIN, Esquire, Chairman of a Public Meeting at York in Upper Canada. }

LONDON, May 7th, 1829.

SIR,

I have to apologize for not having acknowledged, at the time when I received it, your letter of January 3rd, communicating to me the intention of a large body of the people of Upper Canada to entrust to me a petition addressed by them to the House of Lords. But as the letter which I then had the honor to receive from you, was not accompanied by the petition itself, I thought it would be better for me to wait till that document should reach me, before I troubled you with my letter.

I have now received the petition, and shall not fail to present it at an early period, to the House of Lords. It is necessary however that I should state that I am not without some apprehension that there may exist a technical difficulty in the way of its reception, in consequence of its containing a direct reference to certain words supposed to have been used by Mr. Huskisson in the House of Commons during the last session. The Houses of Parliament are very particular upon this point, and I have known more instances than one where petitions have not been received in consequence of a similar reference to speeches made by members of Parliament. I shall however tender your petition to the House, which will of course decide whether it can be received or not. In the mean time I beg you, as well as those on whose behalf you have transmitted the petition to me, to believe that I am fully sensible of the honor which they have done me in selecting me as the channel of communication between so large a portion of the people of Upper Canada and the House of Lords. It cannot but be highly gratifying to me to learn that I owe this distinction to the manner in which, upon a particular occasion most interesting to that country, I discharged my duty as His Majesty's Secretary of State for the Colonies; and I assure you that I retain an anxious desire to see that portion of

the King's dominions flourishing, contented and happy. It will be my duty to give my best attention to the various important particulars adverted to in the letter which you have addressed to me, and in the petition which has followed it; and if in some respects I may not concur in all the opinions entertained by yourself and the petitioners, I venture to trust that you and they will be disposed to ascribe it to anything rather than indifference to the feelings or the interests of the Province of Upper Canada.

I am of course not in possession of the sentiments of His Majesty's Government upon the various matters to which the petitioners wish the attention of Parliament to be called: but the Committee which sat during the last session have upon many important topics expressed opinions which appear to be much in unison with those entertained by the Colonists, and which have doubtless already attracted the notice and consideration of the Government. The appointment of that Committee, and the extent to which they carried their investigations, are strong proofs of the ready disposition of the government and the Legislature of the parent country to watch over the concerns of so important and valuable a dependency of the Crown, which requires nothing but a wise, just, and liberal administration of its affairs, to secure to its inhabitants that increasing prosperity which from its great natural resources it is entitled to anticipate; and if in any way I can contribute to the promotion of so interesting an object, it will always be a matter of great personal gratification for me to do so.

I have the honor to remain

Sir,

Your obedient humble servant,  
GODERICH.

W. W. Baldwin, Esq.

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## P E T I T I O N

*To the King's Most Excellent Majesty (and to the several other branches of the Imperial and Provincial Legislatures.)*

WE, your Majesty's dutiful and loyal subjects, inhabitants of Upper Canada, are constrained by the most painful necessity to appeal to the justice of your Majesty against the mis-rule of the Provincial administration, and humbly to point out to your Majesty the alarming increase of our grievances, and the necessity of their redress, as they become more and more inveterate from the patience with which we have hitherto endured them. We offer our warmest thanks and gratitude to your Majesty for appointing to be a judge over your Canadian people, the Hon. John Walpole Willis, whose private virtues and acknowledged learning, blended with high and uncompromising principles, uniformly evinced in the impartial discharge of his judicial duties, have already endeared him to the country, as one of its greatest blessings, and as affording to the people the most flattering presage of a new era in the administration of justice—of this blessing we have been unconstitutionally deprived, and misrule has at length become so bold, and power so indiscriminate of its victims, as to spurn from the judgment seat

the honorable Mr. Justice Willes, who there presented what has long been wished for but seldom seen, the stern and fearless integrity and independence of a British judge. Such judicial integrity and independence are alarmingly endangered when such a judge, without impeachment and even without a charge, can be so ignominiously removed from this high office.

Although we entertain the fullest confidence in your Majesty's desire to promote the happiness and protect the rights of British subjects throughout your ample and glorious dominions, yet our hopes of speedy redress are not a little discouraged, by a knowledge that while we, on our part, open to your Majesty the abuses and oppressions growing upon us, the very persons we accuse are pressing through other channels, affording a more favorable access to your Royal belief, those interested misrepresentations, which are designed both to promote misrule, and protect the authors of it; for it cannot be forgotten that misrepresentations from such sources have already recently endangered our civil and religious liberties and cruelly vilified and traduced the fair characters of the dissenting denominations of Christians in this Province. And the impending consequences of such secret misrepresentations are further apprehended from the tenor of the speech of the Right Honorable Wm. Huskisson, your Majesty's principal Secretary of State for the Colonies in the Imperial House of Commons, as reported in some of the public prints.

Notwithstanding defects in the law defining our Constitution, we are, nevertheless warmly attached to it, and view with just fear every attempt to amend it, without the intervention of our Provincial Legislature which is the constituted guardian of our rights and liberties, and which, considering the great distance of the Imperial Legislature, can best understand our necessities and apply the proper remedies. It has long been the source of many grievances, and of their continuance, that the Legislative Council is formed, not of an independent gentry taken from the country at large, but of Executive Councillors and placemen, the great majority of whom are under the immediate, active, and undue influence of the person administering your Majesty's Provincial government, holding their offices at his mere will and pleasure. Hence arises in a great measure the practical irresponsibility of Executive Councillors and other official advisers of your Majesty's representative, who have hitherto with impunity both disregarded the laws of the land, and despised the opinions of the public. From the impunity with which the greatest abuses have hitherto existed, and the difficulty in such a state of things of applying an efficient remedy, most of our grievances have taken their origin and growth.

First, The rejection by the Legislative Council, of the most salutary measures passed by large majorities in the House of Assembly, and much desired by the people.

Secondly, The frequent want of a casting voice in the Court of King's Bench in this Province, owing to the illegal absence of the judges, especially of the Chief Justices, as well on distant journies out of the Province, as on attendances on the Legislative and Executive Councils.

Thirdly, The undue influence which the mingled duties of Legislative and Executive advice have on the judicial functions.



Fourthly, The assumption of a power by the Executive to appropriate a large portion of the revenue and other monies, raised from the sale of land and otherwise in the Province, independent of the will or sanction of the Assembly.

Fifthly, The extravagant augmentation of salaries, offices and public expences, quite disproportioned to the state and circumstances of the Colony.

Sixthly, The confinement of public prosecutions of offences to the sole conduct of the Law Officers of the Crown in the Colony, embarrassing private prosecutors in this small community, where the influence of politics and family connexions, is so injuriously felt.

Seventhly, The retaining in public offices and the introduction into the same of persons who notoriously ought to be excluded.

Eighthly, The want of carrying into effect that rational and constitutional control over public functionaries, especially the advisers of your Majesty's Representative, which our fellow subjects in England enjoy in that happy country.

Ninthly, Our present imperfect Jury System.

Tenthly, That sheriffs, coroners, and other public officers hold their offices during pleasure, and not during good behaviour, or otherwise as in England

Eleventhly, That the supreme judges of the land hold their offices during pleasure, and are subjected to the ignominy of an arbitrary removal.

Wherefore we humbly entreat for the interference of your Royal prerogative to favor our exertions to correct the grievances under which we labor.

We humbly suggest that the Legislative Council should be increased in number, of whom, a small proportion only, strictly limited by law, to be permitted to hold or enjoy any place of emolument or profit under the Government, or to be members of the Executive Council.

Secondly, That the Judges of the Court of Kings Bench, be not Legislative Councillors, nor Executive Councillors, nor Privy Councillors, in any respect in the Colony.

Thirdly, That the Judges shall not be permitted to absent themselves from the Province, but on the most reasonable cause and with leave obtained as prescribed in the British acts relative to Colonial Officers.

Fourthly, That the Judges be made independent as in England, holding their offices not as at present in this Province but during good behaviour to be inquired into, by impeachment alone, in the Provincial Parliament, before the Legislative Council, when that body is so modified as to become an independent branch of the Legislature.

Fifthly, That for some time, at least till the Province affords an adequate source of legal and constitutional education, the Judges be appointed from the bar in England.

Sixthly, That a Legislative Act be made in the Provincial Parliament, to facilitate the mode in which the present constitutional responsibility of the advisers of the local Government, may be carried practically into effect; not only by the removal of these advi-

ers from office, when they lose the confidence of the people, but also by impeachment for the heavier offences chargeable against them.

Seventhly, That our present Jury System be amended by a new law whereby the jurors to be impannelled may be more equally selected from the country and less at the mere nomination of the sheriff or his officers; such new law to extend both to grand and petit jurors.

Having thus under the pressure of the present crisis hastily concentrated our most pressing grievances, and humbly prayed for the royal aid of your Majesty's prerogative in providing appropriate remedies, we your Majesty's dutiful and loyal subjects cannot omit again to bring under your Majesty's serious notice as indicative of the necessity of a change of men and measures, the recent violent and unconstitutional removal from office of the Hon. John Walpole Willis, a public wrong, calling more and more loudly for our most earnest remonstrance to your Majesty, and strongly elucidating the injurious character of the policy pursued by the present Provincial administration.

Such was the apprehension of the practical bad consequences of the King's Bench being without a casting voice, that previous to Easter Term last, a memorial was addressed to His Excellency, pointing out, in some respects, the failure of justice in such a state of things, and requesting His Excellency to suspend his leave of absence, to the Chief Justice, whose departure from the Province was at that time publicly spoken of, even until after the approaching term. His Excellency, however, did not think proper to do so, and the evil consequences anticipated have been realised. During the terms of Michaelmas and Hilary, last past, with a full Bench, there was not fewer than ten cases wherein differences in opinion arose amongst the judges on important points, and in Easter Term, during which the Chief Justice was absent, the two Puisne Judges were divided in opinion, in six several cases. In such a state of things, substantial justice cannot be said to be administered. The Provincial law wisely enacts that your Majesty's Chief Justice of this Province, together with two puisne Justices, shall preside in the Court of King's Bench. And as a diversity of opinion has, in many important points, unhappily prevailed among the judges of that Court, which is the only one of superior jurisdiction, and from which in the vast majority of cases, there can be no appeal, the importance of maintaining that Court, as organized by law, becomes the more urgent, and the violation of that law productive of the greater evils.

Under these circumstances, we feel that the Hon. Mr. Justice Willis deserves the approbation and confidence of all good men, for withdrawing from the Court House, under a conscientious conviction in his own breast, that he could not administer justice according to law, while the Court was not constituted as that law required.

Sensible as we are that the appointment of Judges, esteemed by the people for their learning, and beloved by them for their virtues, is in every Colony so blessed, the most conclusive evidence of the health of the great body politic, so do we feel that this deliberate, violent and unconstitutional removal of Mr. Justice Willis, depriving us

of the benefit of his honourable and conscientious services, is a grievance of such magnitude as requires your Majesty's paternal interference; and this evil we feel the more serious, because it furnishes the present provincial administration, with an opportunity of placing upon the judgment seat, a man labouring under those prejudices of family connections and party feeling from which Mr. Justice Willis was necessarily and happily free, persons withal very inferior to that gentleman, in education, in talents and in legal knowledge. While strongly feeling this injury, your Majesty will, we beseech, hear our complaint of the conduct of the Hon. Mr. Justice Sherwood, who, in the absence of the Chief Justice, and of Mr. Justice Willis, proceeded alone to exercise all the powers of your Majesty's Court of King's Bench; and yet abstained from offering any justification for such assumption, for the satisfaction of the Public, although requested to give to the Bar his legal reasons for such a course. He had at that time vacated his office, by absenting himself from the Province, without the leave prescribed by law.

We should omit a matter of the first importance to the happy conduct of our civil affairs, did we forbear to mention to your Majesty, with all the delicacy becoming us, when referring to the exercise of your Royal Prerogative, the total inaptitude of military men, for civil rule in this Province.

The almost constant absence of your Majesty's Representative from the seat of Government, where almost daily is required his assiduous superintendence over public affairs and public functionaries—his total unacquaintance with the inhabitants of the country, with the exception of those whose official occupations place them about his person, whereby he can be but ill-informed of the true state of the country, or of the condition or wants and wishes of its people—the charge of disloyalty against those who question the policy of the present administration—a system of espionage spreading from the seat of Government, over the face of the country—a threatened degeneracy in the state of society, endangering, by the insidious operations of those morbid causes, that public feeling truly British and yet happily alive in this colony—the undue influence over electors in many ways, but especially by the issuing of patents granting land, sent into the country, in profusion, to be distributed by candidates acceptable to the present Provincial administration—the acceptance of office by Members of the House of Assembly, without vacating their seats, as is the necessary consequence in England, and the almost mortal violence offered to the Constitution by the exercise of worse than military rule in the intimidation of the more dependent members of the Legislative Council into the views of the Administration, at the peril of their offices, as was exposed in the testimony of the Honorable Wm. Dixon and the Honorable Thomas Clark, in their evidence before a committee of the House of Assembly, during the last session of the Provincial Parliament. Wherein, we your Majesty's faithful and loyal subjects, being greatly aggrieved, most humbly, most earnestly, and confidently pray your Majesty, for redress as far as such redress lies within your Majesty's constituted power. And as an object filling us with peculiar solicitude, we do most earnestly importune your Majesty, that you will be graciously pleased to res-

tore Mr. Justice Willis, to the honorable situation to which your Majesty had appointed him, and thus protect your Majesty's royal choice, your faithful Judge, and us, your loyal subjects, from the wrongs that arbitrary rule in the Provincial Authorities, unchecked, would assuredly inflict.

And your Majesty's Petitioners as in duty bound will ever pray.

W. W. BALDWIN,

*Chairman.*

# DOCUMENTS

APPENDED TO

## THE SEVENTH REPORT OF

THE

### Select Committee on Grievances.

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No. 1:

GOVERNMENT HOUSE, }  
Toronto, 18th March, 1835. }

SIR,

I am directed by the Lieutenant Governor to transmit to you for the information of the Committee of the House of Assembly of which you are Chairman, the annexed copy of a communication to the Secretary and Registrar of the Province.

I am, Sir,  
Your Obedient Servant,

WM. ROWAN

W. L. MACKENZIE, Esq., }  
Chairman Committee, }  
House of Assembly. }

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No. 2.

COPY.

GOVERNMENT HOUSE, }  
Toronto, 18th March, 1835. }

SIR,

I am directed by the Lieutenant Governor to acquaint you, that if the Committee of the House of Assembly require the Office Copies of the Blue Book for 1833 and 1834 to be sent to the House, you will comply with their request, or afford them such information as they may be desirous of obtaining. The Books, however, must be returned to your office at the close of the Session.

I have, &c.

WM. ROWAN.

The Hon. DUNCAN CAMERON, }  
Secretary & Registrar. }

## No. 3.

SECRETARY'S OFFICE, }  
 Toronto, 20th March, 1835. }

SIR,

I have the honor to acknowledge the receipt of your letter of yesterday's date, and in compliance with His Excellency the Lieutenant Governor's command, and the request contained in your letter, now send you by your Messenger, the office copies of the Blue Book for the years 1833 and 1834.

I have the honor to be,

Sir,

Your Most Obedient  
 Humble Servant,

D. CAMERON,  
*Sec'y & Reg.*

To

W. L. MACKENZIE, Esq.,  
 Chairman of the Committee on Greivances.  
 &c. &c. &c. }

## No. 4.

GOVERNMENT HOUSE, }  
 Toronto, 11th March, 1835. }

SIR,

I am directed to acquaint you in reply to your letter of yesterday, that the Lieutenant Governor has, in every instance complied with the Addresses of the House of Assembly respecting the Public Accounts, and you are probably aware that the Inspector General has been directed by His Excellency to afford the House any information they may require relative to the receipts and expenditure of every department.

The documents applied for in the Address of the 17th ultimo, and transmitted to His Excellency some days after that date, have been directed to be prepared, and will be forwarded to the House so soon as they are received by him.

The Receiver General has sent in the duplicates of the warrants and accounts, but there are other departments and persons which are not able to furnish the information applied for, without being allowed some time to prepare it.

I have procured for you the printed papers relative to Forsyth's case, which as they do not belong to this office, I request may be returned.

I am,

Sir,

Your Most Obedient Servant,  
 WM. ROWAN.

To

W. L. MACKENZIE, Esq. }  
 &c. &c. &c. }

## No. 5.

**Population of Upper Canada.**

The Official Account of the Population of Upper Canada, as returned to the British Government in 1834, in the "Blue Book" is - - - - -	321,903
The same authority for 1833, shews the Population in that year to have been - - - - -	296,544
The returns sent down to the House of Assembly of the the Population of Upper Canada for 1832, gave the numbers thus - - - - -	260,992
The like returns for 1831, gave a sum total of - - -	234,671

## No. 6

**Upper Canada Militia.**

The "Blue Book" of 1833, returns (to England) 61 Regiments of Militia, 1754 officers, 1672 non-commissioned officers, 48 drummers, and 34,674 rank and file, among whom are included 18 troops of cavalry and 5 companies of artillery.

The same authority for 1834, returns to His Majesty's government, 63 Regiments of Militia, comprising 1772 officers, 1610 non-commissioned officers, 62 drummers, and 36,055 rank and file. In this statement are included 18 troops of cavalry, and 5 companies of artillery, both these forces being attached to Infantry Regiments.

## No. 7.

**Lands granted in Upper Canada.**

*From the Official Return to England, year 1833.*

509 grants of 100 acres and under for.....	40,829 acres
386 grants of 100 acres and under, 500 acres for	83,277½ acres
12 grants exceeding 500 acres for.....	10,081 acres

Total 907 grants for 134,187½ acres

Exclusive of these, three patents passed the great seal for grants to the Canada Company for 55,932 acres.

Of the above 134,187½ acres, 796 deeds for grants (in contradistinction to lands purchased) passed the great seal for 121,559½ acres

63 deeds for Crown sales.....	5,741 do.
46 deeds for Clergy sales.....	6,649 do.
2 deeds for School sales.....	238 do.

101 Clergy Reserve leases passed the great seal

this year for..... 19,506 do.

Among the grantees who had upwards of 500 acres each granted to them this year, we find the names of Wm. J. Kerr for 1800 acres; Arthur Gifford (Government Office) 800 acres; E. A. Walker 1,000 acres; Wm. Campbell 600; Cheeseman Moe 800; James Muirhead 600; Wm Phillips 600; F. Raynes 600; Owen Richards 800; Elmes Steele 800; John Thompson 800; Andrew Drew 680 acres.

### Lands granted in Upper Canada.

*From the original Return to England, year 1834.*

941 grants of 100 acres and under.....	67,372 acres
431 grants of 100 to 500 acres.....	92,815 do.
28 grants over 500 acres.....	24,036 do.
1400 grants or deeds for.....	184,223 do.
Other 5 grants or deeds for.....	52,311 do.
passed the great seal to the Canada Company	
Also 96 Clergy Reserve leases for.....	18,364 do.
have passed the great seal.	
Grants have passed the great seal, commencing from the year 1792 for.....	8,121,665½ do.
Deeds have been given to the Canada Company for other.....	735,828½ do.

Total 8,857,494 acres

"The total quantity of surveyed lands remaining ungranted is 1,527,164 acres, exclusive of 302,420 acres, given over to Col. Talbot for settlement, no return of which has been made to the Surveyor General."—*Blue Book, 1834.*

Of the grants over 500 acres, made in 1834, there were 600 acres to Wm. Allan; 1200 to D. T. Brocffel; 532 to M. Burwell; 1000 to I. Buchanan; 1600 each to D. & R. Campbell; 800 to D. Cameron; 800 to Eliz. Clench; 800 to Henry Jones; 1300 to C. S. Monk; 1800 to Thomas Nichol; 786 to Rev. A. Palmer; 600 to T. Rolph; 750 to Wm. Smart.

The lands given over to Col. Talbot for settlement were composed of 131,130 acres in the London District, and 171,290 acres in the Western District.

### No. 3.

#### Memorandum.

EXTRACTS taken from *Blue Book of Upper Canada, for 1830—in England.*

#### RETURNS OF LANDS GRANTED 1830.

	Acres.
78 grants, each under 100 acres. . . . .	3,583
576 grants, each over 100 acres. . . . .	87,500



GRANTS EXCEEDING 500 ACRES.

C. M. DeLotbiniere, . . . . .	578
A. Catenach, . . . . .	1,000
I. B. Sheek, . . . . .	800
G. Hamilton, . . . . .	700
Thomas Fraser, . . . . .	800
Z. Burnham, . . . . .	1,200
Z. Burnham, . . . . .	2,800
W. S. Gapper, . . . . .	800
Walter O'Hara, . . . . .	1,200
Andrew Borland and William Roe, . . . . .	1,700
William Smith, . . . . .	800
R. Richey, Richey or Runchey, . . . . .	800
Francis Connin, . . . . .	800
Canada Company, 5 grants, : . . . .	166,596

RETURN OF MILITIA, 1830.

Regiments organized, . . . . .	59
Officers, . . . . .	1,705
Non-Commissioned Officers, . . . . .	1,526
Drummers, . . . . .	61
Rank and File, . . . . .	39,093
	Total, 33,385

To Doctor Strachan, Missionary at York, in lieu of delapidations on his living, . . . . . £225.

Enquiry was made respecting the delapidation monies of Dr. Strachan, but he would not give the details, the Lieutenant Governor withheld all the Blue Books previous to 1833 from the House, although in its address it was stated that they would be carefully returned, nor could the Committee obtain them on applying to His Excellency through his Secretary.

No. 9.

**Agricultural Products.**

*The following are the official returns for the year 1834 for all the settled parts of Upper Canada :*

Acres of Land cultivated,.....	1,003,520
Acres of Land uncultivated,.....	4,129,815
Horses.....	42,822
Horned Cattle,.....	178,639

*The like Returns for 1833 are,*

Acres of Land cultivated,.....	988,957
Acres of Land uncultivated,.....	4,205,256
Horses,.....	40,304
Horned Cattle,.....	172,674

Increase in number of acres of cultivated Lands, in 1834 over 1833, only 14,563.

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No. 10.

**Revenue Balances, 1834.**

*The Revenue of 1834, is thus summed up in the "Blue Book."*

Provincial Revenue including loans,.....	£302,126
Clergy Revenue,.....	7,371
Crown Revenue,.....	33,271
	<hr/>
	£342,768

Provincial Expenditure including payment of loans,.....	£277,562
Clergy Expenditure,.....	6,846
Crown Expenditure,.....	29,600
	<hr/>
	313,408
	<hr/>
	£ 29,360

*The state of the Receiver General's Chest is shown by the same reference.*

He had on hand on the 31st December 1834, a balance of what is termed Provincial Revenue, equal to.....	£25,296
And of what is termed Casual and Territorial Revenue,	24,254
	<hr/>
	£49,550

But had paid out of what is called the Clergy fund, more than was on hand by.....	6,644
	<hr/>

Leaving a net balance in his hands of.....	£42,906
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This is exclusive of the Post Office Revenue, a balance of which is sent to England, as shown in the second Report from this Committee.

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No. 10. (a)

RECEIVER GENERAL'S OFFICE,  
Toronto, 28th March 1835.

SIR,

I have the honor to enclose you, agreeably to the request contained in your letter of the 20th instant, received yester-

day, a statement and designation of the various funds in the Receiver General's Office.

I have the honor to be,

Sir,

Your most obedient

Humble Servant,

JOHN H. DUNN.

W. I. MACKENZIE, Esq.,

M. P. P.,

&c. &c. &c.

*List of Public Funds or Accounts kept by the Receiver General.*

Fund A.—Crown Revenue arising under the Imperial Act 14th 3d, *now obsolete.*

“ B.—Provincial Revenue under the control of the Legislature.

Acc't C.—An auxiliary account to Fund K.

Fund D.—Canada Company instalments.

“ E.—Clergy.

“ F.—An auxiliary to Casual and Territorial Revenue.

“ G.—Annual grant under 56th Geo. 3d. *Obsolete.*

“ H.—Civil List annual vote. *Obsolete.*

“ I.—School Fund, auxiliary to Fund B.

“ K.—Casual and Territorial Revenue.

“ L.—Law Reporter auxiliary to Fund B.

“ W.—War Losses, do do.

RECEIVER GENERAL'S OFFICE,

Toronto, 28th 1835.

JOHN H. DUNN.

No. 10. (b.)

HOUSE OF ASSEMBLY,

9th April, 1835.

SIR,

I am directed by the Committee on Grievances to request that you would send down a statement for its information of the balances that are now in your hands, on the following auxiliary Funds, viz. C, F, I, and W, as also what balance is now on hand on Fund G, and what payments have been made from that fund since the last account was sent down to the House, dated the 5th

of October 1831, at which time there appears to have remained on hand £1,005 11 14.

I have the honor to be,  
Sir

Your most obedient  
Humble Servant,  
W. L. MACKENZIE,  
*Chairman Com. on Grievances.*

To  
The Honorable  
The RECEIVER GENERAL,  
&c. &c. &c.

*Toronto, 9th April, 1835.*

SIR,

In reply to your letter of this day's date requiring the balance on the 31st December last, in accounts C and F, I beg leave to state that Fund C has no balance, it is a schedule containing a detail return of all the fees, on grants of land under all regulations made by the Executive Council and incorporated in account K, (Casual and Territorial Revenue) to which account I beg to refer you to its credits.

Account F has a balance of £540 3 4½ (five hundred and forty pounds three shillings and four pence three farthings) auxiliary, or connected with the Casual and Territorial Revenue.

If it is the wish of the Committee to obtain the balances in the funds as they at present stand, it will take some time to prepare—the expenditure is about £20,000 over the whole of the receipts to this period.

I have the honor to be,  
Sir,

Your most obedient Servant,  
JOHN H. DUNN.

To  
W. L. MACKENZIE, Esq.  
*Chairman, &c. &c.  
Grievance Committee.*

*HOUSE OF ASSEMBLY, 10th April, 1835.*

SIR,

On referring to the despatch of the Secretary of State, I find that the fullest information may be obtained of all Royal Revenue.

Your letter is silent with respect to the inquiries made by the Committee as to the application of the balance which remained of Fund G. after the last account was sent down to the House of Assembly, I think in 1832, the accounts then shew a balance but no subsequent account shews what became of it.

Your letter is also silent as to the balance now in your hands on Fund W, (War Losses) and as to what was done with any balan-

ces of appropriations to the War Losses, whether from British or Colonial Revenues, which were not called for by the parties, and the amount of such balances.

If you cannot give the information required on these points it will greatly oblige me if you would in a letter to the Committee state that it has been refused.

I have the honor to be,

Sir,

Your most obedient Servant,

W. L. MACKENZIE,

Chairman Grievance Committee.

Toronto, 10th April, 1835.

SIR,

In reply to your letter of this day's date I have the honor to acquaint you, that the balance alluded to in account C was transferred to Account A in October 1832, both of which funds being applicable to the same objects, viz. "The Administration of Justice and Support of Civil Government," and which became obsolete by the act granting certain permanent salaries—Fund C has therefore no balance, and account A has been furnished to the Honorable the House of Assembly.

The present balance in W (War Losses) amounts to about £300 (three hundred pounds) and there still remains to be paid to the sufferers, on the last dividend about £3,060.

The balance which remained on the two first dividends, was paid some years ago into the military chest by order of the Right Honorable the Lords Commissioners of His Majesty's Treasury.

I have the honor to be,

Sir,

Your most obedient Servant,

JOHN H. DUNN.

To

W. L. MACKENZIE, ESQ,  
Chairman Grievance Committee.

## No. 11.

### Revenue balances per Public Accounts.

On the 31st December last, there was in the hands of the Receiver General, of the several funds under his charge—

Fund A.—Revenue arising under the Imperial

Act, 14th Geo. 3d . . . . .	£1,198 17 0
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Fund B.—Ordinary revenue . . . . .	28,771 0 0
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“ D.—Canada Company's instalments } . . . . .	25,077 15 6
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“ K.—Casual and Territorial Revenue } . . . . .	
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In the hands of the Hon. P. Robinson, of

Clergy Reserve fund . . . . .	8802 9 6
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And a balance of proceeds of debentures transmitted to England undrawn for, with premium thereon at 6 per cent . . . . .	26,607	0	0
	<u>£90,457</u>	2	0

## No. 12.

TABLE of salaries, fees and emoluments which have been paid out of revenues raised from the people of Upper Canada.

The names distinguished by a star prefixed are those whose returns of income are selected by the committee from the BLUE BOOK for 1834.

## Year 1834.

Sir John Colborne, Lieutenant Governor [over & above his income from England] . . . . .			£4,953
*Wm. Rowan, Private Secretary to do. salary £208, fees £600 . . . . .			808
*Edward McMahon, Chief Clerk's salary . . . . .			278
*Arthur Gifford, 2nd Clerk of Government Office . . . . .			200
*James McDonell, 3d do. do. . . . .			166
*John Henry Dunn, Receiver General, salaries and agency of revenues . . . . .			1444
*B. Turquand, 1st Clerk to do. . . . .			250
*Walter Rose, 2d do. to do. . . . .			200
*S. P. Hard† Surveyor General, salary and fees, add as by his own account in evidence . . . . .			742
*Peter Robinson, Surveyor General £555, Crown Land Commissioner £555, Executive Councillor £111, Commissioner for sale of Clergy Reserves £500 . . . . .			1721
Thomas Merritt, [name left out of the Blue Book for 34.]			
*J. G. Chewett, Draftsman in Surveyor General's Office, salary . . . . .			200
*J. Radenhurst, 1st Clerk in do. . . . .			300
*G. C. Ridout, 2d do. in do. . . . .			250
*Wm. Spragge, extra do. in do. . . . .			166
*J. Caldwell do. do. in do. . . . .			166

† Purser, Half Pay, Royal Navy.

‡ His salary was supposed to be only £300 sterling, with an allowance in lieu of fees, but it seems that last year an order came from England to pay him £600 sterling, and he has fees under Provincial Acts. It appears by the answers he gave to this committee that after he was appointed Surveyor General he was several years absent. Nevertheless he was paid many hundred pounds as salary for the years before he entered upon the performance of any of its duties.

*Thomas Baines, 1st Clerk in Crown Lands Office, at £200; Secretary to the Clergy Corporation £300	£500
[In 1833 his salaries in these places were £135 sterling each; and were raised by an order in Council of 12th of March, 1834, to place him on a level with clerks in other offices.]	
*Alderman Richard Thornhill, 2nd Clerk Crown Lands Office (salary in 1833 £150)	200
*A temporary successor to the late Matthew Henderson, 3rd Clerk Crown Lands Office, (1833 £150)	200
*Edward Beeston, 4th Clerk do. (1833 £150)	200
*D'Arcy Boulton, Auditor General, [no duties, no salary, was a sinecure of £246 value in 1833] Master in Chancery Legislative Council	50
*Robert Stanton, Government Printer, fees	370
[It is probable this office is worth £1600.]	
*Charles Shirreff, Collector of Crown Land Timber, dues at Bytown £270, and £90 to his Clerk	360
[A very small portion of Mr. Shirreff's income is from Lower Canada.]	
George H. Markland, Inspector General, £672—Executive Councillor £111	783
[His salary was £365 by the Provincial Act but an order in Council, or (perhaps) from England, has increased it.]	
James Nation, his first Clerk	250
Raymond Baby, his second Clerk	260
Duncan Cameron, Secretary and Registrar, Salary £333, permanent addition £707	1040
S. P. Jarvis, Deputy to Do. £200, Clerk of the Crown in Chancery £75	275
John Strachan, President of the Executive Council, £111, (President of King's College £278, not received) Archdeacon of York, £333; Rector of Toronto, £555†	1000
[His salary as President of King's College is in abeyance.]	
Joseph Wells, Executive Councillor, £111; Registrar and Bursar of King's College £300 [Journal of 1831-2, page 121 of the Appendix.]	411
*John Reikie, Clerk, Executive Council £222 Salary: £278 Fees; £222 in lieu of Fees on Patents on Lands	722
*W. H. Lee, First Clerk to Do.	250
*James Stanton, Second Do. to Do.	200
*Hugh Carfrae, Doorkeeper to Legislative and Executive Councils	53

† A part of the year his place was supplied by Mr. James Henderson, Mr. Baines now [1835] holds only the latter office.

† It appears by his evidence that the British Government have stopped his salary of £300, as President of the Board of Education, and he mentions that his salary as President of King's College is not received.

*John B. Robinson, Speaker Legislative Council, Salary 400 <i>l.</i> ; Chief Justice King's Bench, Salary 1666 <i>l.</i> .....	£2066
[In 1833 his income as Speaker of the Council was only 200 <i>l.</i> , now it is 400 <i>l.</i> ]	
*Grant Powell, Clerk, Legislative Council, Salary 200 <i>l.</i> . Allowance extra as do. 200 <i>l.</i> ; Official Principal Court of Probate, 55 <i>l.</i> ; Judge Home District Court, fees 390 <i>l.</i> .....	835
[Described in Blue Book, 1833, as a half-pay Surgeon.]	
*Stephen Jarvis, Usher Black Rod L. C. ....	50
[Also half-pay Cornet of Dragoons.]	
*Thomas Phillips, Chaplain L. C. 50 <i>l.</i> ; Master Home District School 100 <i>l.</i> .....	150
[Also his pay as a Minister of the Church of England.]	
*Archibald M'Lean, Speaker House of Assembly.....	£200
Clerk of the Peace, Eastern District.....	148
Registrar of Stormont and Dundass.....	132
Registrar Surrogate Court.....	11
	491
[Mr. M'Lean is also Captain on half-pay, late Incorporated Militia, 142 <i>l.</i> Mr. Bidwell has succeeded him as Speaker.]	
*James Fitzgibbon, Clerk, House of Assembly, Salary 200 <i>l.</i> ; Allowance 200; Registrar Court of Probate. 63 <i>l.</i> .....	463
*David A. M'Nab, Sergeant at Arms, House of Assembly, Salary, 50 <i>l.</i> ; Allowance, 100; Registrar of Wentworth. 119 <i>l.</i> .....	269
*Henry Ruttan, Sheriff, Newcastle District, fees.....	1040
[Fees in 1833, 1180 <i>l.</i> has also 4 <i>s.</i> sterling, per day, as half-pay Lieutenant, incorporated Militia.]	
*W. B. Jarvis, Sheriff Home District, Fees.....	550
[It is scarcely probable that the fees of the Sheriff of the Home District do not far exceed 550 <i>l.</i> , but we give his own return.]	
The Ottawa Sheriff died in February, 1835.	
*J. A. H. Powell, Sheriff, Bathurst District (fees, 1833, 600 <i>l.</i> ).....	240
*Donald M'Donell, M. P. P., Sheriff, Eastern District, Fees.....	250
*Adiel Sherwood, Sheriff, Johnstown District, fees 300 <i>l.</i> [Also Treasurer of that District.]	300
Richard Bullock, Sheriff, Prince Edward District, fees	269
John M'Lean, Sheriff, Midland District, fees.....	300
Alexander Hamilton, Sheriff, Niagara District, fees...	450
[Mr. H. is also Post Master of Queenston.]	



SALARIES, &c.

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*W. M. Jarvis, Sheriff, Gore District, fees.....	£250
[Has half-pay as a Lieutenant at 4s. 6d. per day, and a pension for wounds of 78 <i>l.</i> ]	
*A. A. Rapelje, Sheriff, London District, fees.....	150
[Half-pay as Captain, at 7s., sterling, per day.]	
*Ebenezer Reynolds, Sheriff, Western District, fees ..	101
[It is probable that some of the Sheriffs' fees, are stated considerably under the reality.]	
*James Sampson, Inspector of Licenses, Midland District.....	145
*Hon. Alexander M'Donell, Inspector of Do., Home District.....	146
[Mr. M'Donell is also a Lieutenant on half-pay, Assistant Secretary Indian Department (pension 4s. 8d. per day) Member of the Legislative Council.]	
*Elias Jones, Clerk, Newcastle District Court 47 <i>3l.</i> ;	
Inspector of Licenses, 98 <i>l.</i> .....	571
*John Claus, Inspector of Licenses, Niagara District,	109
*John Willson (late Speaker H. of A.) Inspector of Licenses, Gore District ..	100
James Mitchell, Inspector of Licenses, London District, Collector of Customs, Turkey Point; Judge District Court, and Judge Surrogate Court, <i>estimated</i> at.....	260
*John Weatherhead, Inspector of Licenses, Johnstown District.....	20
[There are also Inspectors for the Ottawa, Eastern, Prince Edward and Bathurst Districts.]	
*Wm. Hands, Western District, 5 offices, viz :—	
1. Post Master of Sandwich,	
2. Collector of Customs do.	
3. Inspector of Licenses, Western District,	
4. Judge Surrogate Court, do. do.	
5. Treasurer do. do. ....	216
*Alpheus Jones, Collector of Customs, Prescott, Emoluments . . . . .	165
[Agent to U. C. Bank, Post Master of Prescott.]	
*W. J. Crysler, Collector of Customs, Cornwall.....	124
*Andrew Deacon, Collector of Customs, Hallowell... ..	100
*Thomas Kirkpatrick, do. do. Kingston... ..	373
*Henry Baldwin, do. do. Belleville... ..	104
*Colin Mackenzie, do. do. Bath . . . . .	100
*George Savagel, do. do. Toronto City	272
*John Chisholm, do. do. Burlington	
100 <i>l.</i> ; Collector of tolls, do. Canal 64 <i>l.</i> .....	175
[Mr. Chisholm's other emoluments are not stated.]	
*William Chisholm, Collector of Customs, Oakville, and Post Master of Nelson.....	79
*The Hon. James Kirby, (Legislative Councillor) Collector of Customs Revenue at Fort Erie .....	unknown
[He has fees, and one third of the seizures, which though very considerable, we have not exactly ascertained.]	

*Wm. H. Merritt, Collector of Customs, Dalhousie, . . .	£100
[The Blue Book says he has no other office, altho' he is Postmaster at St. Catharines. He has resigned the Collectorship since the commencement of the present session, but it has not been given to another, he is President of the Welland Canal Company at £ . . .]	
*Thomas McCormick, Collector of Customs, Niagara,	130
[Mr. M. has also an income as agent to the Bank of Upper Canada.]	
*George Ryerse, Collector, Dover, . . . . .	80
*William B. Sheehan, do. do. . . . .	105
*John Bostwick, do. Port Stanley, . . . . .	115
*Mallon Burwell, do. Port Talbot, (o)—Registrar of Middlesex, - - - - -	170
*Francis Caldwell, (M.P.P. for Essex) Collector of Customs for Amherstburgh, - - - - -	58
*John Burwell, do. do. Port Burwell, - - - - -	59
*Thomas G. Anderson, do. do. Penetanguishene, 68 <i>l</i> . Postmaster of do. 25 <i>l</i> . - - - - -	93
[Mr. Anderson's 3rd office is that of a superintendent of the Indian Department, but it is paid out of the military chest, 24 <i>l</i> .]	
There are also the Collectorships of the Customs for the Ports of River Raisin (John Cameron); Maitland (Alex'r. McQueen); Brockville (Richard D. Fraser); Johnstown (John Webster); Gananoque (Ephraim Webster); Newcastle (B. McMahon); Cobourg (Allan H. McLean); Windsor (Henry Boys); Chippawa (R. Kirkpatrick); Queenston (Robert Grant); Goderich (John Galt); the gross value of which, on an average of three years, with the share of one third of the seizures, we have estimated at about - - - - -	
	650
*R. P. Hotham, Clerk of the Peace. Ottawa District, 144 <i>l</i> .; Registrar of do. 86 <i>l</i> .; (Registrar of Surrogate Court), - - - - -	230
*Walter Cameron, Registrar of Glengarry, - - - - -	50
*George T. Burk, do. of Lanark, - - - - -	64
*Alex. McMillan, do. of Carleton, - - - - -	67
[Also half-pay captain Glengarry Fencibles, 142 <i>l</i> .]	
John Patton, Emigrant Agent — <i>l</i> . unknown; Registrar of Grenville, 152 <i>l</i> . - - - - -	152
*Daniel Jones, Registrar of Leeds, - - - - -	190
[Incorrectly described in the official return to England, as Judge of the Eastern District Court.]	
*Allan McLean, Registrar, Prince Edward, 94 <i>l</i> .; do. Midland District, 214 <i>l</i> . - - - - -	308
*George Strange Boulton, Northumberland, Registrar of Deeds, &c. - - - - -	225
*Thomas Ward, Registrar for Durham, 170 <i>l</i> .; Clerk of the Peace, Newcastle District, 150 <i>l</i> .; Surrogate Judge, do. 5 <i>l</i> . - - - - -	325
*Samuel Ridout, Registrar. County of York, 500 <i>l</i> .; Agent to the Land Granting Department (Sinecure) 222 <i>l</i> . - - - - -	722

*George Lount, Simcoe, Registrar of Deeds, - - -	£178
*Thomas Racey, Halton, do. do. - - -	312
*John Lyons, Registrar of Lincoln and Haldimand, - -	320
James Ingersoll, Registrar for Oxford, fees not known,	
*Francis L. Walsh, Registrar of Norfolk, 60 <i>l.</i> ; do. Sur-	
rogate Court, 8 <i>l.</i> 10 <i>s.</i> ; Postmaster of Vittoria, 47 <i>s.</i>	70
*James Askin, Registrar, Essex, 59 <i>l.</i> : Registrar Sur-	
rogate Court, Western District, 32 <i>l.</i> - - - -	91
*William Jones, Registrar of Kent, - - - - -	75
[Assistant Superintendent Indian Department 123 <i>l.</i> ]	
*James Jessup, Clerk of the Peace, Johnstown District, †	203
*E. H. Reade, Clerk of the Peace, Bathurst District,	105
[Mr. Reade is on half-pay as an Apothecary in the	
army at 5 <i>s.</i> sterling per day.]	
*David L. Fairfield, Clerk of the Peace, Prince Edward,	50
*J. Nichols, do. do. Midland, - -	221
*Simon Washburn, do. do. Home, † - -	200
*Chas. Richardson, do. do. Niagara, - -	290
*Robert Berrie, do. do. Gore, - - -	200
*John B. Askin, do. do. London, 269 <i>l.</i>	
Clerk, London District Court, 78 <i>l.</i> - - - - -	347
Charles Askin, Clerk of the Peace, Western District,	
120 <i>l.</i> ; Clerk, Western District Court, 25 <i>l.</i> - - -	145
*Eleven other District Schoolmasters, besides Dr. Phil-	
lips, salaries each 109 <i>l.</i> - - - - -	1100
[One of the schoolmasters, Dr. Phillips, is chaplain	
to Legislative Council; another is church of England	
Missionary at Sandwich, 111 <i>l.</i> , and a third is Presbyte-	
rian minister at Cornwall, with a salary from Govern-	
ment as such.]	
*Levius P. Sherwood, Puisne Judge. King's Bench, -	1000
*James B. Macaulay, do. do. do. do. -	1000
*W. H. Draper, Reporter to do. - - - - -	100
*R. S. Jameson, Attorney General of Upper Canada,	
salary and allowances, - - - - -	1200
C. A. Hagerman, Solicitor General, do. do. do.	600
C. C. Small, Clerk of the Crown and Pleas,	
Salary, - - - -	111
Fees, - - - -	1257
	<hr/> 1368
*Jonas Jones, Offices, viz :	
1. Judge of the District Court of the Midland	
District, Fees, - - - -	412
2. Judge of the District Court of the Bathurst	
District, Fees, - - - -	147
3. Judge of the District Court of the Johns-	
town District, Fees, - - - -	344
4. Judge of the Surrogate Court of the Bath-	
urst District, Fees, - - - -	3

{It is somewhat strange that the clerkship of the peace of the Johnstown District should exceed in value that of the Home District.

5. Judge of the Surrogate Court of the Johnstown District, Fees, - - - - -	8	
6. Commissioner of Customs, - - - - -	2†	£916
[Mr. Jones is also President of the commissioners for constructing a ship canal on the River St. Lawrence.]		
*David Jones (M. P. P. for Brockville) Judge of the District Court of the Eastern District, Fees, 238/.		
Commissioner of Customs, Fees, 5/.	- - - - -	243
*George S. Jarvis, Judge of the Ottawa District Court, Fees, - - - - -		25
[Mr. Jarvis is a half-pay lieutenant, 90/.]		
Donald Bethune, Judge of the District Court, Prince Edward, Fees, - - - - -		91
*N. Falkner, Judge of the Newcastle District Court, Fees, - - - - -		445
*George Ridout, Judge of the Niagara District Court, Fees, - - - - -		91
*Charles P. Treadwell, Clerk of the Ottawa District Court; Coroner of the District, Fees, - - - - -		36
*Thomas Taylor, Judge of the Gore District Court, Fees, - - - - -		150
*Charles Elliott, Judge of the Western District Court, Fees, - - - - -		15
[Half-pay lieutenant 43rd Reg't. 80/.; Commissioner of Customs.]		
*George Anderson, Clerk of the Eastern District Court, Fees, - - - - -		164
*Thomas D. Campbell, Clerk of the Johnstown District Court, Fees, - - - - -		235
*C. H. Sache, Clerk of the Bathurst District Court, Fees, - - - - -		125
[Half-pay lieutenant 76th Reg't. 4s. 6d. per day.]		
*Thomas Nash, Clerk of Prince Edward District Court, Fees, - - - - -		90
*Alex'r Pringle, Clerk of the Midland District Court, Fees, - - - - -		475
*Henry C. Heward, Clerk of the Home District Court, Fees, - - - - -		433
*J. C. Clench, Clerk of the Niagara District Court, Fees, - - - - -		102
*John Law, Clerk of the Gore District Court, Fees, - - - - -		200
*James Secord, sen'r, Judge of the Niagara District Surrogate Court, Fees, - - - - -		81
*[Pension 20/.]		
C. B. Secord, Registrar same court, Fees, - - - - -		68
*Thomas Markland, Judge of the Midland District Surrogate Court, - - - - -		28
*W. W. Baldwin, Judge of the Home District Surrogate Court, Fees, - - - - -		50

† Mr. Jones' Judgeships of District Courts embrace a tract of country comprising seven Counties.

[There are several other Judges of Surrogate Courts paid by Fees.]

\*W. Chewett, Registrar of Surrogate Court, Home District, Fees, - - - - £104

[Mr. Chewett is also a Pensioner on the Provincial Revenue by order from England, for 400*l.* per annum.]

\*Isaac Fraser, Registrar of Surrogate Court, Midland District, Fees, - - - - 63

\*Nathaniel Coffin, Adjutant General of Militia, salary, 365*l.*; annual allowance, 84*l.* - - - - 449

[Half-pay ensign 15th Foot.]

\*W. O'Hara, Ass't Adjutant General, salary, - - - 200

Joseph Spragge, Master of the Toronto Central School (paid from Fund K) salary, - - - 255

Henry J. Jones, as Agent to Commissioner for Crown Lands, - - - - 105

[See his returns for 1834.]

Alex. McDonell, M. P. P. as ditto, see ditto - - - 243

Mrs. M. Powell, House-keeper, Public Office, salary, 50

[And a house and her pension.]

Mrs. M. Macloskey, Assisting House-keeper, do. salary, 25

John Macloskey, Messenger in do. salary, - - - 25

Wm. Walker, do. in do. salary, - - - 50

Some of the Postmasters omitted in the above list are named in Mr. Stayner's return to England in 1832 and 1833. As that officer has withheld as yet the information required this session, by the House of Assembly, we have selected the following names and sums from his former return for 1830. There are about one hundred other Postmasters in Upper Canada whose names and emoluments are to us unknown, but they all enjoy besides their percentages or other income, the franking privilege, and may be severally removed at the pleasure of the Deputy Postmaster General at Quebec, or the authorities during whose pleasure he holds office.

John Macaulay, P. M. Kingston, salary and allowances, 164

[Agent to U. C. Bank, with a salary.]

J. S. Howard, P. M. Toronto, salary and allowances, - 199

John Crooks, P. M. Niagara, do. do. - - 87

Henry Jones, P. M. Brockville, do. do. - - 58

The Postmaster, Amherstburgh, do. do. - - 118

M. Connell, P. M. Bytown, do. do. - - 101

Josias Tayler, P. M. Perth, do. do. - - 60

[Mr. Tayler is M. P. P. for Lanark County.]

Ward Chipman, as 3rd Arbitrator between Upper and Lower Canada (paid from Fund K) half the remuneration allowed him, or - - - 383

Thomas A. Stayner, D. P. M. G. at Quebec, proportion of his income derived from Upper Canada, estimated by us, in the absence of his own statement, at 1880

John Swetnam, Light House Keeper, salary, - - - 63

Owen Richards,	do.	do.	salary, - - -	£62
James Durnan,	do.	do.	salary, - - -	53
Clerks and Treasurers' charges 1834, for distributing Public School monies, 1834.				278

Grand Total, £52,672

There is a numerous class of officers not directly appointed by the Government, but who, from the very nature of their situations and duties, are under its indirect influence—such as Officers on Canals, &c.

#### SAINT LAWRENCE CANAL.\*

W. R. F. Berford, salary per year,	-	-	-	-	£300
J. B. Mills, salary,	-	-	-	-	850
James Hume, salary.	-	-	-	-	200

#### WELLAND CANAL.\*

W. H. Merritt, salary per year.	-	-	-	-	400
John Clark,	-	-	-	-	150
George Keefer, Engineer,	-	-	-	-	260
&c.	&c.	&c.			

### No. 13.

#### Pensions.

*Amount of Pensions paid out of the Public Revenue, raised in Upper Canada, no part of which has been authorised by any vote, either of the Provincial or Imperial Parliaments.*

Late John M'Gill, about 16 years' pension at £500, to 1835, estimated to amount to.....	£ 8,000
Late W. D. Powell, about five years' pension at £1111, to 6th September, 1834.....	5,555
Late D'Arcy Boulton, Senior, six years' pension at £555, to 1834.....	3,330
Late Sir W. Campbell, Kt. four and a half years' pension, from July 1829 to January 1834, at £1,333.....	5,989
Sir David Wm. Smith, of Northumberland, Baronet, eight years' pension, at £222, to January, 1835,	1,776

[This pension was formerly paid to Sir David William Smith, by an annual vote of the Imperial Parliament, but it is now drawn from the slender resources of Upper Canada, to augment the wealth of an English Baronet, who probably has not seen America for the last twenty or thirty years.]

\* See St. Lawrence and Welland Canal Reports to Legislature for the year 1835.

William Chewett, pension, as having been the <i>acting</i> Surveyor General in the absence of that officer, £400 a year, commencing in May, 1832, nearly three years to April, 1835.....	£1,100
Bishop M'Donell, eight years' pension at £444 per annum.....	£ 3,552
Two and three quarter years' additional pension at £111 .....	304
	————— 3,856

[This is over and above his pension or allowance from Lower Canada, which owing to the spirited resistance of the House of Assembly there, may possibly have been withdrawn, and thrown upon us under the plea of extra services.]

### COLONEL TALBOT.

This gentleman was the Private Secretary to one of the Lieutenant Governors of Upper Canada, and afterwards got 302,420 acres of land (472½ square miles) to settle in the London and Western Districts. How he has settled it, or what he has done with the monies he received, is not known at the Surveyor General's office, but he has received a pension or allowance of £444 a year, out of the proceeds of our public lands sold to the Canada Company, and has obtained already from that source, nine years' pension, or £4,000. Some information on this head is promised by His Excellency, in answer to an address reported by this Committee.

### PENSIONS for 1834, paid out of the Provincial Revenue without authority of Law.

Hon. W. D. Powell, at £1,111 per annum, (died this year.)	}	£1,540
Sir W. Campbell, at L.1,355 per annum (died this year.)		
D'Arcy Boulton, at L.555 per annum (died this year.)		
John McGill, at £500 per annum, (died this year.)		
Captain W. Jarvie, Incorporated Militia.....		115
Lieutenant Daniel M'Dougall, Do.....		81
Thomas Talbot, Port Talbot.....		444
Sir D. W. Smith, Northumberland, England.....		222
General Shaw's family.....		111
Wm. Chewett, late Acting Surveyor General.....		400

### No. 14.

### Archdeacon Strachan's Income.

The amount of cash received by Archdeacon Strachan from the 1st day of January, 1826, to the present time out

of the public revenue of this Colony so far as we have been able to trace it from any official source is as follows:—

Seven and a half years President of the Board of Education, at L.300 to 1st of July, 1833.....	£2,250
Eight years Archdeacon of York at L.333 13s. 4d...	2,700
Nine years an Executive Councillor at L.111.....	999
He received out of the Clergy Reserve rents on account of the expenses of his first journey to London on behalf of the Clergy.....	350
In 1833 and 1834 it appears that he received L.152 10s. each year, as "a Minister of the Church of England," (see sess. papers No. 5, p. 20.).....	305
Since 1831, the gaol ground, Toronto, has let for L.150 per annum, 3 years (see sess. papers, No. 5, p. 21.).....	450
"The Small Strip Rents," Toronto, for L.57 10s. 3 years .....	172
The other acre being part of what was formerly the Hospital Square, Toronto, for L.100—3 years, (see sess. papers, p. 21, No. 5.).....	300
Annual value of the Archdeacon's Glebe Lots in the Township of York, 1,000 acres, estimated at an average value of L 50 per annum, for nine years.....	450
	£7,976

CASH paid him for his journey to England from the Fund of King's College.

"Cash in full," being for his expenses incurred on a journey to and from England, and eighteen months detention there, at the instance of the Secretary of State L.678 6s. 8d. (with interest) is (See Journal 1831-2, p. 181 of Appendix.).....	£712 16 2
Cash, being for the moiety of his expences incurred, in a journey to and from England, "and eighteen months' detention there at the instance of the Secretary of State, while engaged in soliciting from His Majesty's Government the Charter of King's College, and attending to the affairs of the Established Church." (See his Letter sent down to the House this Sess., Sess. Paper, No. 5, p.22.)	678 6 8
Cash paid him for settling the terms of agreement with the (Canada) Company when in	



London in 1827.....	360	0	0
[This is the return made by the Receiver General to the Government here, and since placed before the House of Commons. Dr. Strachan in his explanation for the House of Assembly ( <i>See Sess. papers, No. 5, p. 22,</i> ) affirms that it was in payment of his salary as Archdeacon of York for the year 1825; the patent constituting Dr. Strachan an Archdeacon did not issue until 1827. Another return on the Journals of the House of Commons says it was for his services during the reference.]			
Another item of monies paid to Dr. Strachan is in the return of cash paid from the Canada Company's monies to the Doctor "to defray expenses connected with the establishment of an University at York in Upper Canada." The Doctor has written in explanation ( <i>See Sess. papers, No. 5, p. 22,</i> ) but as he has given no details, we have placed that also to the account of his journey.....	600	0	0
	<hr/>		
	£2,351	0	0

## ALSO :

2000 acres of Valuable Land in the the Gore of Toronto the estimated worth of which is 25s. per acre or .....	£2,500	0	0
[This grant Doctor Strachan tells us was made in aid of his living in this city, ( <i>See his Letters in Sess. papers No. 5, pages 21 and 22, 1835.</i> )]			
In all for his journey.....	£4,851	2	10
Estimated sums paid to Dr. Strachan within the last nine years, brought down.....	7,976	0	0
	<hr/>		
	£12,827	2	10
	<hr/>		

In consequence of the refusal or delay of the Lieutenant Governor to send down to the House the Blue Books for 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, and 1832, and of Archdeacon Strachan's refusal to give the detailed account required of him (*See his evidence*) the Committee are unable to state the whole of Dr. Strachan's receipts from the

public. It is understood there are other payments for delapidations on his living, &c. &c., but the Committee cannot ascertain the amount.

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No. 15.

*AMOUNT of Salary and Allowances paid to the Lieutenant Governors of Upper Canada, since the 1st day of January 1827, out of the Public Revenues raised from the people of Upper Canada.*

Nine years' Salary at <i>L.</i> 2,222.....	£20,000
Nine years' second Salary at <i>L.</i> 1,111.....	10,000
Two and a half years' additional or third Salary to Lieutenant Governor Colborne, (over and above <i>L.</i> 3,333 per annum,) <i>L.</i> 555 per annum, commencing the 1st day of July, 1832.....	1,666
The Government House, Offices and Grounds, free of all taxes and charges, nine years, estimated at <i>L.</i> 500.....	4,500
Share of Seizures paid to the Lieutenant Governor, 1827, estimated at.....	<i>L.</i> 300
1828, estimated at.....	300
1829, 30, 31, to 27th April 1832.....	673
Part of 1832 estimated at.....	400
1833 estimated at.....	300
1834.....	655
	2,538
Total from Provincial Funds.....	<i>L.</i> 38,704

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No. 16.

*THE INCOME of Major General Sir John Colborne, in 1834, from all Public sources, is thus stated in the Blue Book:—*

Salary.....	<i>L.</i> 3,333
“ Allowed <i>L.</i> 555 per annum in lieu of pay and allowances as Major General on the Staff; out of the Revenue raised from the people of Upper Canada.....	555
Full pay as a Lieutenant Colonel.....	345
His pension.....	332

His share of seizures in the Colony, under the 6th Geo. 4th, ch. 114.....	565
House and Offices, estimated per annum.....	500
	L.5,631

Until 1827, the Salary of the Lieutenant Governor was paid in England by vote of the Imperial Parliament; and as he is, in fact, the Agent of the Colonial Office, the Province ought not to be obliged to pay him L.4,000 per annum.

No. 17.

PAYMENTS to the Honourable Peter Robinson, since July, 1827.

Eight years an Executive Councillor at L.111....	L.888
Seven and a half years, additional "Surveyor General" at L.555.....	4,162
Seven and a half years, Commissioner Crown Lands at L.555 .....	4,162
Six and three quarter years Commissioner for the sale of Clergy Reserves at L.500 per annum..	3,375
	L.12,587

And there may have been other payments.

No. 18.

PAYMENTS to the Honourable Duncan Cameron, Secretary and Registrar, since 1st of January, 1827.

Seven years' Salary from Canada Company's payments, at L.333 to 1834.....	£2,331	0	0
Seven years' Commutation in lieu of Fees....	5,000	0	0

[The officers of the Land Granting Department received a commutation in lieu of Fees for seven years up to the 1st of January, 1834. They now receive no fees, with the exception of the Hon. D. Cameron, Secretary, to whom an annual allowance of L.700 (L.636 11s. 4d. sterling) is ordered by the Secretary of State for the Colonies, out of the Revenue raised in

the Province, on account of his disbursements for Stationary for the various Patents made out in the course of the year, and furnished by him. See Blue Book, page 11, 1834.]

Salary for 1834.....	333	0	0
Allowance for 1834.....	700	0	0

Mr. Cameron's office is, to him almost a sinecure, worth £.1000 and upwards. He is allowed a Deputy, Mr. S. P. Jarvis, who is paid by the Colony, by vote of the Legislature, £.200 a year, for doing the work for which his Principal is again paid £.1000.

In the Journal of Assembly for 1831, page 117, there is an item of additional fees, for preparing "Special Instruments,".....	258	12	0
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£8,624 12 0

And it appears within the last eighteen months, the Executive Council have audited his claim to several hundred pounds more as *extra fees*, within the last two years.

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### No. 19.

#### PAYMENTS to the Honourable John H. Dunn, Receiver General, since the 1st of January, 1827.

Eight years as Receiver General of the Public monies, not under the public control, paid out of the Canada Company's Revenue at £.222..... £1,776

Eight years charge to the public for receiving and paying out that part of the public revenue not under its control, which accrues from the Canada Company..... 1776

(This was a sinecure formerly held by a Mr. W. Dacres Adams, under the title of Agent for the Colony.)

A parliamentary grant in 1833.....	600
3 per cent. on Provincial Revenue, 1827.....	930
3 do. do. do. 1828.....	1,248
3 do. do. do. 1829.....	988
3 do. do. do. 1830.....	1,118

Four years' second Salary from Public Revenue at £.777 per annum. for 1831, 1832, 1833, and 1834.....	3,098
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Amount in eight years of the Receiver General's income..... £11,534

It appears that £.1776 of this money arises from the very objectionable mode of paying public officers by a sinecure; that is, an office with no duties attached. Mr. Dunn's Income, as a whole, however, is lower than that of officers having far less important duties to fulfil.

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No. 20.

*CLERGY paid by Government, without the consent, and in opposition to the wishes of the House of Assembly.*

The official returns made up at the office of the Honorable Duncan Cameron, Secretary of the Colony, exhibit the following amounts of payments in cash to the Clergy of Upper Canada during the last three years, from funds raised from the people of the colony:—

In 1832, to the Clergy.....	£5,438
In 1833, to do.....	19,719
In 1834, to do.....	14,673
Also, in 1834, to Methodists, omitted in the Blue Book, by error.....	611
	<hr/>
	£40,441

The official details of the expenditure for 1833 and 1834, so far as they could be obtained, will be found in the statements sent down to this Committee by order of His Excellency on the 2d of April instant, all which are hereto annexed.

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No. 21.

GOVERNMENT HOUSE, }  
Toronto, 2d April 1835. }

SIR,

With reference to your letter of the 28th ultimo, I am directed by the Lieutenant Governor to transmit for the information of the Committee on Grievances, the accompanying documents relating to the payments made to the Clergy of various Churches, and also for erecting and repairing places of divine worship for the years 1833 and 1834.

An explanatory letter from the Inspector General, respecting the omission in the Blue Book, of the sum of £550 paid to the British Wesleyan Methodists in 1834, is annexed for the information of the committee.

His Excellency directs me to mention, that the committee will

observe from the accounts furnished by the Receiver General, that half yearly statements are transmitted by the Receiver General through the Lieutenant Governor, to the Secretary of State, of the receipts and expenditures of the Crown Revenues.

I have the honor to be

Sir,

Your obedient servant,

WM. ROWAN.

W. L. MACKENZIE, Esq. Chairman of the Com- )  
mittee on Grievances, House of Assembly. }

### No. 22.

*Extract of a Despatch from the Secretary of State for the Colonies to the Lieutenant Governor.*

DATED, DOWNING STREET, )  
27th January 1834. }

"And considering the heavy charges to which the Casual Revenue will for some years be subject, I am compelled to desire, that the grant in aid of the erection of Dissenting places of worship shall continue to be £2,000 instead of £4,200."

### No. 23.

(COPY.)

GOVERNMENT HOUSE, )  
30th March, 1835. }

SIR,

I am directed by the Lieutenant Governor to forward to you the accompanying remarks from the Chairman of the Grievance Committee and two extracts from an address of the House of Assembly, and to request, that the committee requiring information on certain accounts may be afforded such explanations as will shew the statements, in which the sums granted to the Ministers and Churches of each denomination are to be found.

With the accounts of the Casual and Territorial Revenue were forwarded, a nominal list of the Clergy of the Church of England receiving salaries, and the amount of salary of each.

I am also to acquaint you, that as the committee complained, that they have not received all the information they required, His Excellency begs that you will report why you have not furnished the accounts applied for, as a copy of the address was transmitted to you.

I have &c.

WM. ROWAN.

Receiver General.

## No. 24.

RECEIVER GENERAL'S OFFICE, }  
 Toronto 31st March, 1835. }

SIR,

In reply to your letter of the 30th inst. transmitting a communication from the Chairman of the Grievance Committee, together with two copies of addresses to His Excellency on the subject of appropriation made from the funds of the Casual and Territorial Revenue, &c. to the various denominations of Clergy, and for building Churches, &c. for the years 1833 and 1834—I have the honor to state for his Excellency's information, that the accounts already furnished will shew the sums paid with all the information in my power to afford. In order therefore, that it may be more clearly understood, I beg to enclose statements of the amounts paid by me under his Excellency's warrants, authorised by his Majesty's Government in England during these two years, together with copies of such lists of the Clergymen of each denomination, and for building Churches.

As his Excellency desires me to report why I have not furnished the accounts applied for agreeably to the address of the Commons House of Assembly, I have to remark, that I forwarded on the 28 h of February last, a full and complete set of accounts of the Casual and Territorial Revenue, together with the instalments from the Canada Company, from the years 1827 to 1832 inclusive,—and the Assembly were furnished previously with a statement of those funds for 1833 and 1834.—The warrants issued by his Excellency for and on account of the Catholic Clergy have always been in favor of the Bishop, and paid in one sum to that gentleman, with the particulars I am not acquainted, nor am I informed of the number of Clergymen who participate in the same—all public money of every description is taken from the Receiver General by warrants, whose duty it is to see that the demands are duly authorized,—and when the money is paid to the parties named in the warrants, the Receiver General has nothing more to do with the transaction, but to obtain such vouchers as will enable him to prove the payments and satisfy the rigid examination of the Board of Audit in London. I can assure His Excellency that there is no desire to withhold any information required from the department entrusted to me, and I have always used every exertion, with the assistance in my office, to compile from the Public Accounts as much information, and to supply statements, &c. with as much expedition and accuracy as in my power, and circumstances admit of.

I have the honor to be

Sir,

Your most obedient  
 Humble servant

JOHN H. DUNN.

To Lt. Colonel Rowan, }  
 Civil Secretary }  
 &c. &c. &c. }

## No. 25.

STATEMENT of Payments made to the Clergy and Churches of different denominations in Upper Canada under Warrants of His Excellency the Lieutenant Governor, during the year 1833.

TO WHOM PAID AND BY WHAT AUTHORITY, &c.	Provincial Currency. Dollars a 5s. each.	Reference.
	£ s. d.	
To the Hon. and Rev. J. Strachan, D.D. his salary as Archdeacon of York, for the 12 months ending 30th June, 1833, authorized by the Right Hon. The Lords Commissioners of His Majesty's Treasury, 31st August, 1827.	333 6 8	
To the Rev. Geo. O'Kill Stewart, his salary as Archdeacon of Kingston, for the like period, and under same authority,.....	333 6 8	
To ditto ditto, as one of the Clergy of the established church for the like period,.....	111 2 2	
To paid into the hands of the Hon. Geo. H. Markland, as Secretary of the Clergy Corporation, being the amount of the appropriation, in aid of the support of the ministers of the Church of England in this Province, authorised by Lord Goderich's despatch of the 5th April, 1832.	3888 17 9½	
To paid to the ministers of the Church of England, being the annual appropriation in aid of their support, authorised as above mentioned, up to the 30th June, 1833,.....	3880 11 1½	Vide List A.
To paid Roswell Mount, Esq. on account of erecting a house and preparing a Glebe for the occupation of the incumbent of the Township of Adelaide, authorised by His Excellency the Lt. Governor and Council,.....	50 0 0	



TO WHOM PAID AND BY WHAT AUTHORITY, &c.	Provincial Currency, Dollars a 5s. each.			References.
	£	s.	d.	
To the Rev. Saltern Givins, to aid in erecting a parsonage house in the Mohawk Indian Tract in the Bay of Quinté,.....	100	0	0	
Salary to the Roman Catholic Bishop, for the year ending 30th June, 1833, authorised by the Lords Commissioners of His Majesty's Treasury, 31st Aug't 1827,.....	555	11	1½	
Allowance to ministers of the established church of Scotland in this Province, for the 12 months ending 30th June, 1833, pursuant to Lord Goderich's despatch of 23rd May, 1831,.....	1205	4	5	—B—
Allowance to the Roman Catholic priesthood paid in gross to the R. Catholic Bishop as per warrant, for the like period—Lords of the Treasury, 31st August, 1827,.	1111	2	2½	
Salary to the Rev. Wm. Bell, Presbyterian minister, at the Rideau Settlement, for the like period, authorised by the Lords of the Treasury, 16th Jan. 1818,.....	111	2	2½	
House rent to his lordship the Bishop of Quebec, for the like period, pursuant to Sir Geo. Murray's despatch of 25th January, 1830, .....	200	0	0	
Allowance to ministers of the United Presbyterian Synod of Upper Canada, for the ½ year ending 30th June, 1833, authorized by despatch from His Majesty's Secretary of State for the Colonies,.....	388	17	8	—c—
To paid Thos. G. Ridout, Esquire, Cashier of the Bank of Upper Canada, to be paid to the credit of Messrs. Haslope and Marsden for the missionary purposes of the Wesleyan Methodist So-				

TO WHOM PAID AND BY WHAT AUTHORITY, &c.	Provincial Currency, Dollars a 5s. each.			References.
	£	s.	d.	
ciety, authorised by His Majesty's Government to be expended in building Wesleyan Methodist Chapels in this Province,.....	1000	0	0	
To paid the Rev. John Machar, Moderator of the Presbyterian Synod of Canada, authorised by His Majesty's Government to be expended in building Presbyterian churches in this Province,.....	1000	0	0	
To paid John Willson, Esquire, in behalf of the Canadian Wesleyan Methodists' Conference, being the sum authorised by His Majesty's Government to be applied to erecting churches and chapels for the Canadian Wesleyan Methodists in this Province,.....	666	13	4	
To sundry persons, being portions of the allowance of His Majesty's Government to be expended on Roman Catholic churches and chapels in this Province as per Schedule,.....	823	6	8	—D.—

JOHN H. DUNN, *R. G.*

*Receiver General's Office,* }  
31st March, 1835. }

In the Public Accounts of 1833, there is a charge for salary to the Bishop of Quebec. It has since been refunded by the Bishop and re-credited in the Public Accounts in the year 1834—consequently that charge is omitted in this statement.

JOHN H. DUNN.

No. 26.

A.

List of the Clergy of the Church of England in the Province of Upper Canada 1st July 1833.

	£	s.	
Adolphustown, . . . . .	50		Job Deacon.
Amherstburgh, . . . . .	100		Romaine Rolph.
Ancaster, . . . . .	100		John Miller.
Bath, . . . . .	50		John Houghton.
Beckwith, . . . . .	100		Richard Harte.
Bellville, . . . . .	100		Thomas Cambell.
Brockville, . . . . .	100		William Ganning.
Carrying Place, . . . . .	100		John Grier.
Cavan, . . . . .	50		Joseph Thompson.
Chatham, . . . . .	100		Thomas Morley.
Chippewa, . . . . .	100		William Leeming.
Cobourg, . . . . .	100		Alex. N. Bethune.
Cornwall, . . . . .	100		George Archbold.
Fort Erie, . . . . .	100		John Anderson.
Grimsby, . . . . .	100		George R. F. Grout.
Hallowell, . . . . .	100		Wm. Macaulay.
Kingston, . . . . .	50		Archdeacon Stewart.
London, . . . . .	65		Benjamin Cronyn.
Hamilton, . . . . .	100		Ralph Leeming.
Markham & Vaughan, . . . . .	65		W. T. Mayerhoffer.
Matilda, . . . . .	50		B. Lindsay.
Niagara, . . . . .	100		Thomas Creen.
Oxford, . . . . .	100		Henry Patton.
Perth, . . . . .	100		Michael Harris.
Cavan, . . . . .	100		Samuel Armour.
Port Hope, . . . . .	100		James Coghlan.
Prescott, . . . . .	100		Robert Blakey.
Richmond, . . . . .	100		Robert Short.
St. Catharines, . . . . .	100		James Clarke.
St. Thomas, . . . . .	100		Mark Burnham.
Toronto, . . . . .	75		James McGrath.
Williamsburg, . . . . .	75		J. G. Weagant.
Woodhouse, . . . . .	100		Francis Evans.
Yonge, . . . . .	100		Rossington Elms.
York, . . . . .	137	10	Archdeacon Strachan,
Mohawks, . . . . .	100		Saltern Givins.
Sandwich, . . . . .	50		Wm. Johnson.
Osnabruck, . . . . .	50		F. Mack.
Thornhill, . . . . .	25		G. M. Mortimer.
Guelph, . . . . .	25		Arthur Palmer.
Adelaide, . . . . .	50		Dominick Blake.
March & Huntley, . . . . .	25		James Padfield.
	£ 3,492	10	equal to £3,880 11 1½
			Currency.

## No. 27. (B.)

List of Ministers of the Established Church of Scotland in Upper Canada—1st January &amp; 1st July, 1833.

NAMES.	STATIONS.		1st JAN <sup>y</sup> 1833.		1st JULY 1833.			
	£	s. d.	£	s. d.	£	s. d.		
Rev. John Cruickshanks,								
Alexander Ross,	Bytown,	-	31	5	0	35	14	33
George Cheyne,	Albionburgh,	-	31	5	0	35	14	34
Wm. Renouf,	Amherstburgh,	-	31	5	0	35	14	34
Thomas C. Wilson,	York,	-	15	0	0	45	0	0
Robert McGill,	Perth,	-	31	5	0	35	14	34
Hugh Urquhart,	Niagara,	-	31	5	0	35	14	34
Archibald Connell,	Tornavall,	-	31	5	0	35	14	34
Wm. Stewart,	Martinovon,	-	62	10	0	35	14	34
Wm. McAlister,	Dundies,	-	31	5	0	35	14	34
John McKenzie,	Lanark,	-	31	5	0	35	14	34
John McLauchlin,	Williamstown,	-	31	5	0	35	14	34
James Ketchum,	Lochiel	-	31	5	0	0	0	0
John Macfar,	Bellville,	-	31	5	0	35	14	34
Widow of the late Rev. John Mc-	Kingston,	-	31	5	0	35	14	34
Laurin,	-	-	0	0	0	5	2	8
James Smith,	Glueph,	-	0	0	0	66	19	34
Late Geo. Sheed (M. Crooks, Executor.)	-	-	25	5	5	0	0	0
			539	0	5	545	13	6
			Total Provincial Cy		£	1034	13	11

Sterling.

£ 1205 4 5

No. 28.

C.

LIST of Clergy of the United Presbyterian Synod of Upper Canada—January to June 1833.

NAMES.	STATIONS.	1st JULY 1833.		
		£	s.	d.
The Rev. P. Ferguson.	Esquesing.	31	16	4½
Andrew Bell,	Toronto Township	31	16	4½
Duncan McMillan,	Caledon,	31	16	4½
Wm. King,	Nelson,	31	16	4½
Robert Boyd,	Prescott.	31	16	4½
Robert Lyle,	Osnabruck,	31	16	4½
Geo. Buchannan,	Beckwith,	31	16	4½
John Bryning,	Mount Pleasant,	31	16	4½
Wm. Smart,	Brockville,	31	16	4½
Robert McDowall,	Fredericksburgh,	31	16	4½
John Gemmill,	Lanark,	31	16	4½
Total		£ 349	19	10½

Equal to £333 17 8 Currency.

No. 29.

D.

SCHEDULE of Monies paid to Roman Catholic Churches out of the sum authorised by His Majesty's Government to be expended on Roman Catholic churches and chapels in this Province, during the year 1833.

TO WHOM PAID.	SITUATIONS OF THE CHURCHES, &c.	Sterling.		
		£	s.	d.
The Rev. Edw'd Gordon, Trustee,	Toronto,.....	27	0	0
Mr. Timothy O'Connor,.....do...	Guelpb,.....	54	0	0
Alex'r McDonell, Esq.,.....do...	Peterboro'...	135	0	0
John Lyons, Esq.....do...	Niagara,.....	90	0	0
Rev. Murt Lalor,.....do...	Adjala,.....	40	0	0
Mr. Michael Russell,.....do...	Toronto Gore,	40	0	0
Mr. Peter Polin,	St. Catharines,	55	0	0
James Fitzgerald, } .....				
Alex. McDonell, }				
Alex. Fraser, Esq.....do...	St. Raphael's, } Glengarry, }	300	0	0
Total,..		£741	0	0

Equal to £823 6 8 Currency.

## No. 30.

STATEMENT of Payments made to the Clergy and Churches of different denominations in Upper Canada, under Warrants of His Excellency the Lieutenant Governor, during the year 1834.

TO WHOM PAID AND BY WHAT AUTHORITY, &c.	Provincial Currency. Dollars a 5s. each.			References.
	£	s.	d.	
Salaries of the ministers of the Church of England in this Province, for the year ending 30th June, 1834, pursuant to Lord Goderich's despatch of 5th April, 1832,.....	4936	11	6	Vide Lists A.&B.
Salary to the Hon. and Rev. John Strachan as Archdeacon of York, for the like period, authorised by the Lords of the Treasury, 31st August, 1827.....	333	6	8	
Salary to the Rev. George O'Kill Stewart as Archdeacon of Kingston, for the like period, same authority,.....	333	6	8	
Salary to do. as one of the clergy of the established church, same period,.....	111	2	2½	
To paid sundry missionaries of the Church of England in this Province, to make up 85 per cent. on their salaries; and pensions to three retired missionaries and two widows, formerly paid by the Society for the propagation of the Gospel, authorised by Mr. Secretary Rice's despatch of 5th August, 1834, for the period ending the 31st Dec. 1834,....	4220	7	4¾	—c.—
Salary to the Roman Catholic Bishop, for the year ending 30th June, 1834, authorised by the Lords of the Treasury, 31st August, 1827,.....	555	11	1½	
Salaries to ministers in connexion with the established church of Scotland, for the year ending				

TO WHOM PAID AND BY WHAT AUTHORITY, &c.	Provincial Currency. Dollars & 5s. each.	References.
	£ s. d.	
the 30th June, 1834, per Lord Goderich's despatch of 23d May 1831, .....	1248 17 10	—D.—
Salaries to ministers in connexion with the established church of Scotland, for the 6 months ending the 31st Dec'r, 1834, per Lord Goderich's despatch, 23d May, 1831,.....	859 11 10	—E.—
Allowance to the Roman Catholic priesthood, for the year ending 30th June, 1834, authorised by the Lords of the Treasury, 31st August, 1827, as per warrant, .....	1111 2 2½	
Paid sundry persons, being portions of the allowance made by His Majesty's Government, to be expended on Roman Catholic churches and chapels in this Province,.....	512 2 2½	—F.—
Salary to the Rev. Wm. Bell, Presbyterian minister at the Rideau Settlement, for the 12 months ending the 30th June, 1834, authorised by the Lords of the Treasury, dated 16th Jan. 1818, .....	111 2 2½	
Allowance to ministers of the United Presbyterian Synod of Upper Canada, for the year ending 30th June, 1834, per despatch of His Majesty's Secretary of State for the Colonies,...	798 7 9¾	—G.—
Do. for the half year, ending 31st December, 1834,.....	403 12 2½	—H.—
House rent to the Lord Bishop of Quebec, for the year ending 30th June, 1834, pursuant to Sir G. Murray's despatch of 25th Jan. 1830, .....	200 0 0	
Paid John Willson, Esq. on behalf of the Canadian Wesleyan Methodists, being a proportion of the sum appropriated by His Majesty's Government, to aid in		

TO WHOM PAID AND BY WHAT AUTHORITY, &c	Provincial Currency. Dollars a 5s. each.			References.
	£	s.	d.	
the erection of places of worship in this Province,.....	338	17	9½	
To paid the Rev. Joseph Stinson, representative of the Methodist Missionary Society, London, and General Superintendent of Wesleyan missions in Upper Canada, being the sum authorised by His Majesty's Government to be applied to aid in the erection of Wesleyan Methodist chapels in this Province,.....	611	2	2½	
To paid the Right Rev. and Hon. Alex. McDonell, R. C. Bishop of Regiopolis, being the amount of pension conferred on him for special services by His Majesty's Government, as directed by Mr. Secretary Stanley's despatch of 22nd Dec. 1833; the present payment being for the period between the 1st October, 1832 and 30th June, 1834, inclusive at the rate of 100 <i>l.</i> stg. per annum,.....	194	8	10¾	

JOHN H. DUNN, R. G.

Receiver General's Office, }  
 Toronto, 31st March, 1835. }



No. 30. (A.)

Extract from the Estimates for Miscellaneous services, for five quarters to 31st March, 1833, ordered by the House of Commons to be printed.

CLERGY, NORTH AMERICA.

ESTIMATE of the charge of defraying the Expenses of the Ecclesiastical Establishment of the British North American Provinces, from the 1st day of January 1832, to the 31st March, 1833:

£27,438 13s. 1d.

	£	s.	d.	£	s.	d.
<b>LOWER CANADA.</b>						
Bishop of Quebec.....	3,000	0	0			
Archdeacon of Quebec.....	500	0	0			
Rector of Quebec.....	400	0	0			
Minister of Trinity Chapel, Quebec.....	200	0	0			
Rector of Montreal... ..	300	0	0			
“ “ Three Rivers .....	200	0	0			
“ “ William Henry... ..	150	0	0			
“ “ Durham.....	100	0	0			
“ “ Chatham .....	100	0	0			
“ “ Caldwell Manor.....	100	0	0			
“ “ St. Armand.....	100	0	0			
Evening Lecturer at Quebec....	150	0	0			
“ “ Montreal....	150	0	0			
Vergor of Quebec... ..	30	0	0			
Rent of Protestant Burial Ground.	20	18	6			
Presbyterian Minister, Quebec... ..	50	0	0			
“ “ Montreal..	50	0	0			
Roman Catholic Bishop, Quebec,	1,000	0	0			
				6,600	13	6
<b>. NOVA SCOTIA.</b>						
Bishop of Nova Scotia.....	2,000	0	0			
Archdeacon.....	300	0	0			
Presbyterian Minister .....	75	0	0			
To the Governor of King's College for the expenses of that institution.....	1,000	0	0			
Archdeacon of New Brunswick..	300	0	0			
Minister at Prince Edward's Island.....	100	0	0			
	3,775	0	0	6,600	13	6

	£	s.	d.	£	s.	d.
Archdeacon of Newfoundland....	3,775	0	0	6,600	18	6
Roman Catholic Bishop.....	75	0	0			
To the Society for the Propagation of the Gospel, in aid of the ex- penses of the society in the Colo- nies of Upper and Lower Can- ada, Nova Scotia, New Bruns- wick, Newfoundland, Prince Edward's Island, and the Cape.	11,000	0	0			
				15,150	0	0
Total for one year, from 1st April, 1832, to 31st March, 1833.....	£			21,750	18	6
Add for one Quarter of 1832.....				5,687	14	7
Total.....	£			27,438	13	1

*Downing Street, Nov. 21, 1831.*

SIR,

I am directed by Viscount Goderich to inform you, that in consequence of the strong objections which exist to the practice of making grants of public money in aid of the funds derived from private subscriptions by associations for charitable purposes, he has had under his consideration the propriety of discontinuing that which it has of late years been usual to make to the Society for the Propagation of the Gospel.

His Lordship is of opinion, that it is desirable that the assistance thus given to the society by the Parliamentary Grant, should be withdrawn, and that in future it should be left to depend according to the intention entertained at the time of its original institution, upon the subscriptions received from private individuals. In consideration, however, of the extended field of the operations of the Society, and of the great inconvenience which might be experienced from the sudden loss of so large a portion of their income as that derived from the public, Lord Goderich is of opinion that it would be expedient that the change which he contemplates, should rather come into gradual than immediate operation; he has therefore directed me to request, that you will submit to the Lords Commissioners of the Treasury the propriety of proposing to Parliament the following grants. In the year 1832 the sum of 12,000*l.* instead of 16,182*l.*, the vote for the present year; 1833, 8,000*l.* and in 1834, 4,000*l.* being the last year in which Lord Goderich conceives that it will be necessary to ask any thing from Parliament for the support of the Society.

I am directed to request that you will move their Lordships to favour Lord Goderich with their decision upon the proposal submitted to them, at their earliest convenience, as it is desirable that the Society should learn without delay the course it is intended to pursue.

I have, &c.

(Signed) HOWICK,

*Copy of Minute of the Lords of the Treasury, of 25th November, 1831, on the foregoing Letter of the Secretary of State.*

Write to Lord Howick, for the information of Lord Goderich, that my Lords concur in his Lordship's recommendation that the grant to be proposed to Parliament for the Society for the Propagation of the Gospel in Foreign Parts, should be reduced to the sum of 12,000*l.* in the year 1832, to 8,000*l.* in the year 1833, and to 4,000*l.* in the year 1834, and that no further grant should be proposed after that year.

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*Downing Street, 18th January, 1832.*

SIR,

In requesting that you will lay before the Lords Commissioners of the Treasury the accompanying Estimates for the year 1-32, I am directed by Viscount Goderich to request that you will call their Lordships' attention to the charge which now, for the first time, appears in a separate estimate for maintaining the Ecclesiastical Establishment of the North American Colonies. This Estimate includes: First, the salaries of the Clergy of the Church of England, of the Roman Catholic Bishop, and of two Presbyterian Clergymen in Canada; these amount altogether to 6,600*l.* 18*s.* 6*d.*; and have for a long series of years been defrayed by an advance from the Military chest, in aid of the expense of the Civil Government of the Province. Secondly, the salaries of the Bishop of Nova Scotia, and the Archdeacons in the several Colonies in his diocese which have been transferred from other estimates. Thirdly, the sum of 1,000*l.* which has annually been voted for the support of the King's College in Nova Scotia; and lastly, the sum of 12,000*l.* for the Society for the Propagation of the Gospel in Foreign Parts. Lord Goderich has directed the whole of these several charges to be included in the same Estimate, because, being all incurred for purposes connected with the religious instruction of the inhabitants of British North America, he is of opinion that it is convenient to exhibit, at one view, the whole expense incurred for an object, which, in the present state of these Provinces, he conceives ought rather to be provided for by the Colonies themselves, than by the Mother Country. In pursuance of this opinion, Lord Goderich would have been most anxious to have found, if possible, the means of dispensing with the present estimate; as, however, the Colonial Legislatures could not fairly be called upon to defray the expense of an establishment which has been formed without their concurrence or advice, whilst some of the individuals of whom it is composed have accepted their present situation on an understanding that they were permanently to be kept up, it has appeared to His Lordship that justice to the Colonies on the one hand, & to these individuals on the other, would not permit the sudden discontinuance of the pecuniary assistance hitherto afforded by this country. He proposes, therefore, that this assistance should be gradually withdrawn as soon as a due regard to existing claims will permit. With respect to the Society for the Propagation of the Gospel, the Lords Commissioners of the Treasury have already sanctioned an arrangement which has been communicated to the

Secretary of that body : upon the same principle Lord Goderich would suggest the propriety of making, in the present year, the usual grant of 1,000*l.* to the King's College in Nova Scotia, reducing this sum to 500*l.* in the year 1833, after which it might be altogether discontinued. With respect to the salaries directly paid by the public to the individuals by whom they are received, Lord Goderich conceives that they stand on somewhat different grounds, from the assistance given to corporate bodies having other and fluctuating sources of income. These salaries, forming the two first-items of the estimate, having been accepted under the idea that they would be a provision for their lives by persons who have abandoned other prospects in their profession, his Lordship is of opinion that they should continue to be paid during the lives of the parties by whom they are received, or until they can be otherwise provided for. With this explanation I am directed to request that you will bring under the consideration of their Lordships the propriety of submitting to Parliament the accompanying estimate.

I am, Sir,

Your Most Obedient

Humble Servant,

HOWICK.

The Honorable

J. K. STEWART.

## No. 31.

### A.

*List of the Clergy of the Church of England in the Province of Upper Canada, 1st January, 1834.*

		STERLING.			CURRENCY.		
		£	s.	d.	£	s.	d.
Romaine Rolph....	Amherstburgh.	46	13	4			
John Miller.....	Ancaster.....	46	13	4			
Thomas Campbell...	Belleville.....	46	13	4			
Edward Deroche....	Brockville.....	33	6	8			
J. Thompson.....	Cavan.....	33	6	8			
Thomas Morley....	Chatham.....	46	13	4			
Alex. N. Bethune...	Cobourg.....	46	13	4			
George Archbold...	Cornwall.....	46	13	4			
John Anderson.....	Fort Erie.....	46	13	4			
George Greut....	Grimsby.....	46	13	4			
William Macaulay..	Hallowell.....	46	13	4			
Geo. O'Kill Stewart,							
L. L. D.....	Kingston.....	33	6	8			
Richard H. D'Olier.	Peterboro'....	25	0	0			
Richard Flood.....	Beckwith.....	25	0	0			
Benjamin Cronyn ..	London.....	33	6	8			

		STERLING.			CURRENCY.
		£	s.	d.	
Ralph Leeming	Hamilton	46	13	4	
John G. B. Lindsay	Williamsburgh	46	13	4	
Thomas Creen	Niagara	46	13	4	
Michael Harris	Perth	46	13	4	
Samuel Armour	Cavan	46	13	4	
Robert Short	Richmond	46	13	4	
Mark Burnham	St. Thomas	46	13	4	
James M'Grath	Toronto	35	0	0	
Francis Evans	Woodhouse	46	13	4	
Rossington Elms		33	6	8	
William Gunning	Yonge, &c.	46	13	4	
Saltern Givins	Yonawk Indians	46	13	4	
Arthur Palmer	Guelph	33	6	8	
Vincent Mayerhoffer	Markham	15	0	0	
George Mortimer	Thornhill	50	0	0	
John Strachan, D. D.	York	100	0	0	
J. Grier	Carrying Place	70	0	0	
		1406	13	4	£1562 19 3½

B.—No. 32.

List of the Clergy of the CHURCH OF ENGLAND in the Province of Upper Canada, 1st July, 1834.

		£	s.
Dr. Strachan	Toronto	96	5
J. Magrath	Credit, township Toronto	70	0
J. Miller	Ancaster	70	0
T. Creen	Niagara	70	0
G. Grout	Grimsby	70	0
W. Leeming	Chippewa	70	0
J. Anderson	Fort Erie	70	0
J. Clarke	St. Catharines	70	0
M. Burnham	St. Thomas	70	0
F. Evans	Woodhouse	70	0
R. Rolph	Amherstburgh	70	0
T. Morley	Chatham	70	0
A. N. Bethune	Cobourg	70	0
J. Coghlan	Port Hope	70	0
S. Armour	Cavan	70	0
Dr. Stuart	Kingston	70	0
J. Stoughton	Bath	70	0
J. Deacon	Adolphustown	70	0
Thos. Campbell	Belleville	70	0
J. Grier	Carrying Place, Murray	70	0
W. Macoulay	Hallowell	70	0

S. Givins, .....	Mohawks, Bay of Quinte,	70	0
M. Harris, .....	Perth, .....	70	0
R. Short, .....	Richmond, .....	70	0
J. Padfield, .....	March, .....	70	0
E. J. Boswell, .....	Carleton Place, .....	70	0
W. Gunning, .....	Lamb's Pond, .....	70	0
R. Blakely, .....	Prescott, .....	70	0
H. Patton, .....	Oxford, .....	70	0
B. Lindsay, .....	Matilda, .....	70	0
F. Mack, .....	Osnabruk, .....	70	0
G. Archbold, .....	Cornwall, .....	70	0
V. Mayerhoffer, .....	Markham, .....	70	0
G. Mortimer, .....	Markham, .....	50	0
R. Leeming, .....	Hamilton, .....	50	0
A. Palmer, .....	Guelph, .....	50	0
B. Cronyn, .....	London, .....	50	0
D. Blake, .....	Adelaide, .....	50	0
W. Johnson, .....	Sandwich, .....	50	0
J. Radcliff, .....	Warwick, .....	50	0
J. Thompson, .....	Cavan, .....	50	0
R. H. D'Oher, .....	Peterborough, .....	50	0
R. Flood, .....	Beckwith, .....	50	0
E. Deroche, .....	Brockville, .....	50	0
J. G. Weagant, .....	Williamsburgh, .....	50	0
Dr. Phillips, .....	} Neighbourhood of }	25	0
W. Boulton, .....		} Toronto. }	25
Final payment to	Mr. Elias, .....	50	0
	Total Sterling, .....	£ 3036	5
		£3,373 12 2½	Currency.

## C.—No. 33.

List of *Missiaries, &c.* of the CHURCH OF ENGLAND, in  
the Province of Upper Canada, 1st January, 1835.

[For the previous six months.]

		£	s.	d.
George Archbold, ..	Cornwall, .....	100	0	0
John Anderson, .....	Fort Erie, .....	100	0	0
A. N. Bethune, .....	Cobourg, .....	100	0	0
Robert Blakey, .....	Prescott, .....	100	0	0
E. J. Boswell, .....	Dalhousie, .....	57	10	0
Mark Burnham, .....	St. Thomas, .....	100	0	0
Thomas Campbell, .	Belleville, .....	100	0	0
Thomas Green, .....	Niagara, .....	100	0	0
James Clarke, .....	St. Catharines, .....	100	0	0
James Coghlan, .....	Port Hope, .....	100	0	0
Job Deacon, .....	Adolphustown, .....	100	0	0

		£	s.	d.
Francis Evans, . . . .	Woodhouse, . . . . .	100	0	0
Saltern Givins, . . . .	{ Mohawk Tract, } { Bay of Quinte, }	100	0	0
John Grier, . . . . .	Carrying Place, . . . .	100	0	0
G. R. F. Grout, . . . .	Grimsby, . . . . .	100	0	0
W. H. Gunning, . . . .	Elizabethtown, . . . .	100	0	0
Michael Harris, . . . .	Perth, . . . . .	100	0	0
William Leeming, . . .	Chippewa, . . . . .	100	0	0
J. G. B. Lindsay, . . .	{ Williamshurg & } { Matilda. }	57	10	0
John Miller, . . . . .	Ancaster, . . . . .	100	0	0
James Magrath, . . . .	Toronto township, . . .	57	10	0
Thomas Morley, . . . .	Chatham, . . . . .	100	0	0
William Macaulay, . .	Hallowell, . . . . .	100	0	0
Henry Patton, . . . . .	Oxford, . . . . .	100	0	0
Romaine Rolph, . . . .	Amherstburg, . . . . .	100	0	0
Robert Short, . . . . .	Richmond, . . . . .	100	0	0
John Strachan, . . . .	City of Toronto, . . . .	137	10	0
John Stoughton, . . . .	Bath, . . . . .	100	0	0
G. O'Kill Stuart, . . . .	Kingston, . . . . .	100	0	0
Joseph Thompson, . .	Cavan, . . . . .	120	0	0
Samuel Armour, . . . .	Peterborough, . . . . .	30	0	0
D. E. Blake, . . . . .	Adelaide, . . . . .	50	0	0
B. Cronyn, . . . . .	London, . . . . .	50	0	0
E. Deroche, . . . . .	Brockville, . . . . .	50	0	0
R. H. D'Olier, . . . . .	Peterborough, . . . . .	50	0	0
William Johnson, . . .	Sandwich, . . . . .	50	0	0
V. Mayerhoffer, . . . .	Markham, . . . . .	30	0	0
G. Mortimer, . . . . .	Vaughan, . . . . .	50	0	0
F. Mack, . . . . .	Osnabruck, . . . . .	30	0	0
J. Padfield, . . . . .	March, . . . . .	30	0	0
A. Palmer, . . . . .	Guelph, . . . . .	50	0	0
W. Bettridge, . . . . .	Woodstock, . . . . .	50	0	0
R. Flood, . . . . .	Carradoc, . . . . .	50	0	0
Thomas Phillips, . . . .	Etobico, . . . . .	50	0	0
J. Radcliff, . . . . .	Warwick, . . . . .	50	0	0
J. Short, . . . . .	Richmond, . . . . .	33	6	0
		£3633	6	8

## RETIRED MISSIONARIES.

Ralph Leeming, . . . .	.....	50	0	0
J. G. Weagant, . . . .	.....	50	0	0
J. D. Peterson, . . . .	.....	15	0	0

## WIDOWS RECEIVING PENSIONS.

Mrs. Mountain, . . . . .	. . . . .	25	0	0
Mrs. Samson, . . . . .	. . . . .	25	0	0
		<hr/>		
Sterling . . . . .		£3,798	6	8
		<hr/>		
Currency . . . . .		£4,220	7	4 $\frac{1}{2}$

## Fund D. &amp; E.—No. 34.

LIST of the Ministers in connexion with the Established Church of Scotland in Upper Canada, 1st Jan'y and 1st July 1834, and 1st Jan'y 1835.

NAMES.	STATIONS.	1st JAN'Y. 1834.			1st JULY 1834.			1st JAN'Y. 1835.		
		£	s.	d.	£	s.	d.	£	s.	d.
Rev. W. Rintoul,	City of Toronto } to June 1834. }	45	0	0	41	16	8 $\frac{1}{2}$	29	0	0
— Alex. Ross,	Steetsville since } Aldborough, }	23	0	0	23	0	0	29	0	0
— John Machar,	Kingston, }	28	0	0	20	16	8	36	7	4
— Alex. Gale,	Hamilton, }	6	11	11 $\frac{1}{2}$	20	16	8	36	7	4
— W. McAllister,	Lanark, }	28	0	0	28	0	0	29	0	0
— Tho. Wilson,	Perth, }	23	0	0	28	0	0	29	0	0
— A. M'Naughton	Lancaster, }	3	13	7 $\frac{1}{2}$	23	0	0	29	0	0
— Arch'd Connell	Martintown, }	28	0	0	28	0	0	29	0	0
— John M'Kenzie	Williamstown, }	28	0	0	28	0	0	29	0	0
— H. Urquhart,	Corawall, }	23	0	0	28	0	0	29	0	0
— Wm. Stewart,	Galt, }	28	0	0	28	0	0	29	0	0
— J. Cruikshank,	Bytown, }	28	0	0	23	0	0	29	0	0
— Rob. M'Gill,	Niagara, }	23	0	0	23	0	0	29	0	0
— Jas. Ketchan,	Belleville. }	23	0	0	23	0	0	29	0	0
— Geo. Cheyne,	Amherstburg, }	23	0	9	23	0	0	29	0	0
— P. M'Naughton	Vaughan, }	23	0	0	23	0	0	29	0	0
— M. Y. Stark,	Dundas. }	14	17	7 $\frac{1}{2}$	23	0	0	29	0	0
— James Smith,	Guelph, }	23	0	0	23	0	0	29	0	0
— John Smith,	Beckwith, }	9	13	3 $\frac{1}{2}$	23	0	0	29	0	0
— Henry Gordon	Whitchurch & } King, }	0	0	0	23	0	0	29	0	0
— Jno. M. Roger.	Peterborough, }	11	19	3 $\frac{3}{4}$	20	16	8	36	7	4
— P. Ferguson	Esquesing, }	0	0	0	20	16	8	36	7	4
— Jno. Fairbairn.	Ramsay, }	9	13	3 $\frac{3}{4}$	0	0	0	29	0	0
— Geo. Romanes,	Smith Falls, }	1	7	7 $\frac{1}{2}$	0	0	0	29	0	0
The Ch. of Toronto		0	0	0	0	0	0	48	3	3 $\frac{1}{2}$
— Matt. Miller,	Colborne, } Newcastle Dis. }	23	0	0	0	0	0	0	0	0
		<hr/>			<hr/>			<hr/>		
		522	16	8 $\frac{1}{2}$	601	3	4 $\frac{1}{2}$			
					522	16	8			
					Sterling £			1124	0	0 $\frac{1}{2}$
					D.—Currency			1243	17	10
								<hr/>		
					Sterling £			773	12	7 $\frac{1}{2}$
					E.—Currency			359	11	10



F.—No. 35.

SCHEDULE of Monies paid to Roman Catholic churches out of the sum authorised by His Majesty's Government to be expended on Roman Catholic churches and chapels in Upper Canada, during the year 1834.

TO WHOM PAID.	SITUATION OF THE CHURCH, &c.	Sterling.
Mr. Dennis O'Bryan,.....	London,.....	45 0 0
Mr. Hugh O'Byrn,.....	St. Thomas,..	45 0 0
The Rt. Rev. Alex. McDonell,..	Loughboro' } for 1, }	30 0 0
.....do.....do.....do.....	.....do.....	36 0 0
The Hon. Alex. Grant, Trustee,.	Longueuil,...	40 0 0
The Rev. John Cullen, Trustee,.	Plantagenet,...	30 0 0
The Rt. Rev. Alex. McDonell,...	Kingston,.....	135 0 0
.....do.....do.....do.....	Camden,.....	18 0 0
The Rev. Edward Gordon,.....	Niagara,.....	81 18 0
	Sterling £	460 18 0
Total Provincial Currency £		512 2 2½

G. & H.—No. 36.

LIST of the Clergy of the United Presbyterian Synod of Upper Canada—1st January and 1st July 1834—and 1st January, 1835

NAMES.	STATIONS	1st JAN'Y.	1st JULY	1st JAN'Y
		1831.	1834.	1835.
		Sterling.	Sterling	Sterling.
		£ s. d.	£ s. d.	£ s. d.
Rev. G. Buchanan	Beckwith,	31 16 4½	29 3 4	34 9 4½
— Andrew Bell,	Toronto, Tp.	31 16 4½	31 16 4½	31 16 4½
— John Gemmill,	Lanark,	31 16 4½	31 16 4½	31 16 4½
— John Bryning,	Mount Pleasant,	31 16 4½	31 16 4½	31 16 4½
— Robert Lyle,	Osnaburg,	31 16 4½	29 3 4	34 9 4½
— Robert Boyd,	Prescott,	31 16 4½	29 3 4	34 9 4½
— Wm. Smart,	Brockville,	31 16 4½	29 3 4	34 9 4½
— P. Ferguson,	Esquesing,	31 16 4½	0 0 0	0 0 0
— D. McMillan,	Orleton,	31 16 4½	31 16 4½	31 16 4½
— Wm. King,	Nelson,	31 16 4½	29 3 4	34 9 4½
— R. McDowell,	Fredericksburg,	31 16 4½	31 16 4½	31 16 4½
— Jas. George,	Scarboro'	0 0 0	31 16 4½	0 0 0
— G. McCuthey	Chapin,	0 0 0	31 16 4½	31 16 4½
		£ 340 19 10½	363 11 12½	

		349 19 10 $\frac{3}{4}$	
		Sterling £ 718 11 0 $\frac{3}{4}$	
G - - - - Total	Currency,	798 7 9 $\frac{3}{4}$	363 5 0
		Sterling £	
II - - - - -	Currency,		403 12 2 $\frac{1}{2}$

## No. 37.

*Inspector General's Office,* }  
30th March, 1835. }

SIR,

I have the honor to state for the information of His Excellency the Lieutenant Governor, that when I was before the Committee on Grievances on Friday last, I made known to the chairman that I should furnish him with the information required by your communication of this date, and have accordingly directed the first clerk to attend the Committee at its earliest meeting.

The sum alluded to, is paid under the authority of Mr. Secretary Stanley's despatch of the 27th January, 1834, and was accidentally omitted in transcribing the account furnished for insertion in the Blue Book but would appear in the accounts transmitted home by the Receiver General.

I have the honor to be

Sir,

Your most obedient humble servant,

GEORGE H. MARKLAND.

*Inspector General.*

Lt. Col. Rowan, }  
&c. &c. &c. }

## No. 38.

ADDRESS of the Canada Conference of the Methodists to Sir John Colborne.—Dated, September 8th, 1831, as published in the Conference Paper.

*To His Excellency Sir John Colborne, K.C.B.,  
Lieutenant Governor of the Province of  
Upper Canada, Major General commanding  
His Majesty's Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

WE, His Majesty's dutiful and loyal subjects *the  
Conference of the Methodist Episcopal Church in Canada;*

take the liberty to enclose to Your Excellency an address to His Majesty with accompanying documents, most respectfully requesting Your Excellency to transmit them to His Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

Permit us to avail ourselves of this opportunity to express our best wishes for Your Excellency's spiritual and temporal prosperity, and to assure Your Excellency of our sincere desire and firm determination to second Your Excellency's exertions for the public good, by doing all in our power to promote the interests of morality and pure religion, the essential precepts of which are, *Fear God and honor the King*.

By order of the Conference of the Methodist Episcopal Church in Canada.

(Signed) W. CASE, *President*.

(Signed) JAMES RICHARDSON, *Secretary*.

YORK, Sept 8th, 1831.

To which His Excellency was pleased to return the following answer :

GENTLEMEN :

I shall not fail to transmit to the Secretary of State your memorial addressed to the King.

In returning my best thanks to you for your good wishes, I may venture to affirm that the assurances of your desire and determination to promote the interests of pure religion, will afford general satisfaction ; because a *very unfavorable impression has been made from one end of the Province to the other as regards an imputed secular interference on the part of your preachers* : an impression I am afraid, that must tend to counteract the salutary effects that ought to result from the active piety and zeal of your Society. I refer with reluctance to the public opinion formed of the doctrines inculcated by ministers of every denomination of Christians, or the principles which they are said to espouse : but on this occasion I think it right to acquaint you that although the character of your ministers is probably aspersed, and although they may not as is said, take advantage of the influence acquired by their sacred office, to conduct the political concerns of the people committed to their care, to be instructed only in the words of eternal life, yet, *I cannot imagine that if there were not some grounds for the imputation, of their inconvenient attention to secular concerns a desire for the return of the Wesleyan Missionaries to resume their pastoral labors in this Pro-*

*vince would not have been generally expressed.* This conclusion may be erroneous, but I am in some measure led to it from the reports which I have received of the absurd advice offered by your Missionaries to the Indians, & their officious interference; if any reliance can be placed on the statements of the Indians themselves, the civilization of whom the Superintendents of the Indian Department are endeavoring to accomplish.

With our excellent Constitution in this Province, I trust we shall always find a sufficient number of supporters of Civil and Religious freedom, without the interference of the Ministers of the Gospel. *Your Preachers, whether they are brought from the United States, or any other foreign country, will, I hope experience, while they act honestly and respect British Institutions, the same protection and encouragement, and freedom, which all Americans enjoy, who have found an asylum among us, and choose to live under the British Government in this Province, and securely enjoy the rights of our own Colonists—which are assured to every denomination, party sect or persuasion.*

Your dislike to any Church Establishment, or to the particular form of Christianity which is denominated the Church of England, may be the natural consequence of the constant success of your own efficacious organised system. *The small number of our Church is to be regretted, as well as that the organization of its Ministry is not adapted to supply the present wants of the dispersed population in this new country:* but you will readily admit that the sober-minded of the Province are disgusted with the accounts of the disgraceful dissensions of the Episcopal Methodist Church and its separatists—recriminating memorials, and the warfare of one Church with another. *The utility of an Establishment depends entirely on the piety, assiduity, and devoted zeal of its Ministers, and on their abstaining from a secular interference, which may involve them in political disputes.* The labours of the Clergy of Established Churches in defence of moral and religious truth, will always be remembered by you who have access to their writings, and benefit by them in common with other christian societies. *You will allow, I have no doubt, on reflection, that it would indeed (with the inconsiderable population of the Province) be imprudent to admit the rights of societies to dictate on account of their present numerical strength, in what way the lands set apart as a provision for the Clergy shall be disposed of.* Ample information on the question has been laid before the Imperial Parliament, and no inconvenience while it is pending can arise in respect to the occupation of these lands: for there are more acres now offered for sale than purchasers can be found for them.

*In a few years the Province will be peopled by millions of our own countrymen, and many of the arrangements of His Majesty's Government will have reference naturally to the population of the Mother Country, destined to occupy the Waste Lands of the Crown.*

*The system of Education which has produced the best and ablest men in the United Kingdom, will not be abandoned here, to suit the limited views of the leaders of Societies, who perhaps have neither experience or judgment to appreciate the value or advantages of a liberal Education. But the British Government will, I am confident, with the aid of the Provincial Legislature, establish respectable schools in every part of the Province, and encourage all societies to follow their example.*

*A Seminary, I hope, will not be termed exclusive, which is open to every one, merely because the classical masters, are brought from our own Universities.*

It may be mentioned, without giving offence to the members of any church or persuasion, *that there are few individuals who think that Ministers of the Gospel can conduct political journals, and keep themselves unspotted from the world, and put away all bitterness and wrath, and clamour and evil speaking, which the attacks of their adversaries may engender, or that their avocation will not force them to spend their time like the Athenians in their decline, in nothing but "either to tell or to hear some new thing,"* I am persuaded that the friends of religion will strongly recommend ministers of the Gospel to labour to increase the number of Christians, rather than the number of their own sects or persuasions, to close their Churches and Chapels against all political meetings, and indeed all meetings for the transaction of secular business, and never to permit their consecrated places to be profaned by the party spirit of the hour.

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No. 39.

COPY.

Government House, 15th March, 1833.

GENTLEMEN,

I am directed to acquaint you, with reference to the applications to His Majesty's Government from several religious denominations for assistance in the present state of the Province to enable them to build churches or chapels, the Lieutenant Governor has been authorised to place at the disposal, this year, of the British Wesleyan Conference the sum of £500, and £600 at the

disposal of the Canadian Wesleyan Conference, to be applied in erecting such churches or chapels as may be required; and I am to inform you, that on your stating the manner in which the grant is to be applied, His Excellency will order the amount to be placed at your disposal.

I am, &c.

WM. ROWAN.

The British Wesleyan Conference, }  
and the Canadian Wesleyan }  
Conference. }

No. 10.

COPY.

*Government House, Toronto, }*  
*4th July, 1834. }*

GENTLEMEN,

I am directed to acquaint you, with reference to the applications of His Majesty's Government from several religious denominations for assistance in the present state of the Province to enable them to build churches or chapels. The Lieutenant Governor has been authorised to place at the disposal, this year, of the British Wesleyan Conference the sum of £550, to be applied in erecting such churches or chapels as may be required; and I am to inform you, that on your stating the manner in which the grant is to be applied, His Excellency will order the amount to be placed at your disposal.

I have, &c.

WM. ROWAN.

The Wesleyan  
Methodist Conference.

No. 40. (a.)

*To His Excellency Sir John Colborne, Lieutenant Governor of the Province of Upper Canada, Commander of His Majesty's forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,

I had this day the honor of receiving through the Rev. James Richardson, a communication from Your Excellency, respecting a grant of £550 to the British Wesleyan Methodist Conference; the order for which Your Excellency is pleased to say you will give on being made acquainted with the manner in which the above sum is to be appropriated during the ensuing year. While on behalf of the British Wesleyan Methodist Conference and Missionary Society, which I have the honor to represent in this Province, I gratefully acknowledge this pecuniary assistance, I beg permission to inform Your Excellency, that it will be applied to the erection or repairing

of chapels and school houses, and defraying the general expenses of the various mission stations in our charge.

I have the honor to be,

Your Excellency's very obedient

Humble servant,

JOSEPH STINSON.

*City of Toronto, July 7. 1834.*

No. 41.

COPY.

GOVERNMENT HOUSE, }  
*Toronto, 4th July, 1834.* }

GENTLEMEN,

I am directed to acquaint you with reference to the applications to His Majesty's Government from several religious denominations, for assistance in the present state of the Province, to enable them to build Churches or Chapels. The Lieutenant Governor has been authorised to place at the disposal, this year, of the Canadian Wesleyan Conference, the sum of £350, to be applied in erecting such Churches or Chapels as may be required; and I am to inform you, that on your stating the manner in which the grant is to be applied, His Excellency will order the amount to be placed at your disposal.

I am, &c.

WM. ROWAN.

The Canadian }  
 Wesleyan Conference. }

No. 42.

*Resolutions of the Canadian Wesleyan Conference.*

RESOLVED, That should His Majesty's Government be pleased to grant pecuniary aid to the Canadian Wesleyan Methodists, according to the application that has been made to His Excellency the Lieutenant Governor, Sir John Colborne, for that purpose.

If such aid shall be restricted to the building or affording aid in building Chapels and Houses of Worship, or in paying for such as have been built and not wholly paid for, the same is hereby directed to be applied in the following manner, that is to say:—

Towards the building a house in the town of Peterborough—Peterborough Circuit, Newcastle District.

For the Brick Chapel in Grantham at the Ten Mile Creek, in the District of Niagara.

For the Chapel of 30 Mile Creek in Clinton, District of Niagara.

Towards the building a house on the Landsdown Circuit, in the Johnstown District, in the township of South Crosby or Bastard.

For a Chapel in the Town of London, in the London District.

To one in St. Thomas', District of London.

To one in Vienna Village, same District.

To one in the Town of Hallowell, Prince Edward District.

To paying for the sum due on a Chapel, building in the township of Young, in the Johnstown District.

Towards the building or paying for a Chapel in the City of Toronto, if circumstances should make it necessary.

RESOLVED, That John Willson, Esquire, is hereby fully authorised to apply to His Excellency the Lieutenant Governor for any aid that may be granted to this Conference, and receive the same, and to sign any acquittances or give any receipts that may be necessary in the premises, and to distribute the same in the manner hereinbefore directed, and to prepare and lay before the next annual Conference a true and faithful account of all monies by him received on the grounds of the aforesaid resolutions.

By order of the Conference,

A. K. MCKENZIE,

JOHN FLANAGAN, Sec'y.

Hamilton, Newcastle District, 19th June 1834.

### No. 43.

*Colonel Rowan, Private Secretary to His Excellency the Lieutenant Governor, &c. &c. &c.*

SIR,

For the information of His Excellency the Lieutenant Governor, as required by your letter to Daniel Breckenridge, Jun'r Esq., dated Government House, York, 28th June, 1833,—and by whose recent death, it now devolves on me to answer the said communication, being under cover to John Willson, Esq. of Saltfleet, I was early made acquainted with its contents, and communicated the same to Mr. Breckenridge, then in a distant part of the Province, and appointed an extra meeting of the Conference, for the purpose of submitting His Excellency's requirements; at which time a number of the preachers and delegates being present,—but the then sickness and subsequent death of the Reverend David Breckenridge, President of the Conference, is the sole cause why that required explanation has not been given sooner.

I beg to state that it was resolved, the grant made by His Majesty's Government to the Canadian Wesleyan Methodists should be applied particularly in building a Chapel in the town of Hamilton, and in rebuilding one recently destroyed by fire in Ancaster, and to aid in building such other places of worship as a Committee appointed by the conference might be enabled to apply the surplus means thereto, if any such there be.

And I am further directed to state that John Willson, Esquire, M. P. P. is fully authorised to receive the said sum of money for and in behalf of the Conference.

I have the honor to be, Sir,

With great respect, Your most obedient

And very humble servant

A. K. MCKENZIE.

Hamilton, October 31. 1833.



No. 41.

COPY.

GOVERNMENT HOUSE, }  
15th March, 1833. }

GENTLEMEN,

I am directed by the Lieutenant Governor to acquaint you with reference to several memorials, which have been transmitted to the Secretary of State for the Colonies from congregations under your charge, that His Majesty's Government has authorised a grant of £900 to be made this year for the purpose of assisting your congregations in building churches and chapels: and I am to inform you that on your stating the manner in which the grant is to be applied, His Excellency will order the amount sanctioned to be placed at your disposal.

I have, &c.

WM. ROWAN.

The SYNOD established in Upper }  
Canada, in communion with }  
the Church of Scotland. }

No. 45.

COPY.

GOVERNMENT HOUSE, }  
Toronto, 4th July, 1834. }

GENTLEMEN,

I am directed to acquaint you with reference to the applications to His Majesty's Government from several religious denominations for assistance in the present state of the Province to enable them to build Churches or Chapels, the Lieutenant Governor has been authorised to place at the disposal this year of the Presbyterian Synod of Canada, in connexion with the Established Church of Scotland, the sum of five hundred and fifty pounds to be applied in erecting such churches or chapels as may be required, and I am to inform you, that on your stating the manner in which the grant is to be applied, His Excellency will order the amount to be placed at your disposal.

I am, &c.

WM. ROWAN.

The SYNOD established in com- }  
munion with the Church of }  
Scotland. }

## No. 46.

Kingston, July 17, 1834.

SIR,

Your letter of the 4th instant addressed to "The Synod of the Presbyterian Church in Canada, in connexion with the Established Church of Scotland," stating that the Lieutenant Governor has been authorised to place £550 at the disposal of the Synod of Canada this year, shall be laid before the Synod at its meeting during the first week of August.

In the meantime, I have the honour to transmit, for His Excellency's satisfaction, a statement of the payments made by me out of the grant for last year, together with the vouchers for the same, which I have numbered for the sake of more convenient reference.

## RECEIVED.

1833.	H. C.
August 26th.—By amount of Government Grant.....	£1000

## PAID.

## VOUCHERS.

1833.	
1. August 26th.—To the Reverend William Rintoul, for the Moderator of the Presbytery of York.....	£320
2. September 16th.—To the Moderator of the Presbytery of Bathurst.....	80
3. October 10th.—To do. do. do.....	145
4. November 8th.—To the Trustees of Cobourg Church by order of the Presbytery of King- ston.....	75
5. November 8th.—To the Moderator of the Presbytery of Glengarry.....	225
1834.	
6. January 13th.—To the Trustees of Colborne Church, by order of the Presbytery of King- ston.....	50
7. March 11.—To the Reverend A. Gale for the Church at Hamilton, by order of the Com- mission.....	50
	<hr/>
	£945
	<hr/>
	Balance..... £55

It will be perceived from this statement that there still remains in my hands a balance of £55, to be disposed of by the Synod. It is proper, however, to state that this balance was reserved, not because there were no application for it but because the commission at their meeting in January last, felt a difficulty in deciding on the competing claims of the different congregations applying for it.

I had hoped, before the meeting of Synod, to have been enabled to place in His Excellency's hands, a general report of the actual application of the monies paid to the several Presbyteries, grounded

on the returns made by the Moderators of these Bodies, but as these returns have not been all made, and I find cannot in some cases, be made until the meeting of the Synod, the furnishing of the report in question must form a part of the duties of my successor as Moderator of Synod.

I beg to state further, for His Excellency's information, that while I am at present unable to name the exact number of places from which there will be applications to the Synod this year, for assistance from the Government Grant for Church building, all the requisite returns not having been sent in to me, I am convinced from those reports of our Presbyteries, which I have seen, that the number of such applications will be considerably increased this year, and that the Synod with the funds at its disposal, will not be able to meet the demands that will be made upon it.

I have the honor to be,

Sir,

Your Obedient

Humble Servant,

JOHN MACHAR.

*Moderator of the Synod of Canada.*

Lieut. Col. ROWAN,  
Government House,  
Toronto.

I have to request that the accompanying vouchers may be returned to me, after they have been submitted to His Excellency.

J. M.

No. 47.

COPY,

*Government House, }  
15th March, 1833. }*

MY LORD:

I have the honor by the direction of the Lieutenant Governor to acquaint your Lordship, that His Majesty's Government has authorised a grant to be made this year of £900 to be expended in building Churches and Chapels for the use of the Roman Catholic congregations in this Province, under the control of such Trustees, as may be nominated to superintend the erection of the particular Chapels required, and I am to inform your Lordship, that on your stating the manner in which the grant is to be applied, His Excellency will order the amount sanctioned to be placed at the disposal of the Trustees.

I have, &c.

WM. ROWAN.

The Honorable and Right Rev'd. )  
BISHOP McDONELL. )

## No. 43.

A LIST of Commissioners appointed to see that the several sums allotted to the following Churches out of the government grant (for building Catholic Churches) be prudently and properly laid out, according to their respective appointment.

COMMISSIONERS.	CHURCHES.	Sums allotted to each Church
		£ s. d.
Colonel Alex. Fraser, Hugh McGillis Esq. Mr. Archibald McDonald,	Glengarry,	300 0 0
Alex. McDonnell, Esq., Doctor Coning,	Peterboro',	150 0 0
John Lyons, Esq., Donald McDougal, Esq. Mr. Harris, and Rev. Mr. Polin,	Niagara,	100 0 0
Rev. John Cassidy, Mr. O'Connor, and Mr. McGillis,	Guelph,	60 0 0
Hon. Alex. Graut, Mr. John McMaster, Rev. John Cullen,	Longueil,	40 0 0
Rev. Edward Gordon, Mr. John Maguire. Senr., Charles Doherty,	Toronto,	25 0 0
Rev. Mr. Lalor, Mr. Russel,	Gore of Toronto.	40 0 0
Rev. Murt Lalor, Mr. Keenan, and Mr. Kelly,	Adjala,	40 0 0
Rev. Edward Gordon, Mr. O'Brien,	Loughboro',	30 0 0
Rev. John Cullen, Alex. McDonnell, Sher- iff, Mr. Molloy,	Petite Nation,	30 0 0
Rev. Lawrence Dempsey, Mr. Bell,	Penetanguishme.	30 0 0
Alexander McDonnell, Esq., Mr. James Fitzgerald, Rev. Mr. Polin,	St. Catharines,	55 0 0

1500 0 0

ALEX. MACDONELL, Ep. R.

No. 48. (A.)

COPY,

*Government House,* }  
*Toronto, 4th July, 1834.* }

MY LORD BISHOP:

I have the honor by the direction of the Lieutenant Governor to acquaint your Lordship, that His Majesty's Government has authorised a grant to be made this year of £550, to be expended in building Churches or Chapels for the use of the Roman Catholic congregations in this Province, under the control of such Trustees as may be nominated to superintend the erection of the particular Chapels required; and I am to inform your Lordship, that on your stating the manner in which the grant is to be applied, His Excellency will order the amount sanctioned to be placed at the disposal of the Trustees.

I have, &c.

WM. ROWAN.

To the Honorable and Right Rev'd. }  
BISHOP McDONELL. }

No. 49.

[For the year 1834.]

*DISTRIBUTION of Government allowance for building and finishing Catholic Churches and Chapels.*

To the Church at Malden,.....	£90
London,.....	50
St. Thomas,.....	50
Guelph,.....	30
Niagara,.....	91
St. Catharines,.....	30
Port Hope,.....	20
Camden,.....	20
Trent,.....	20
Cornwall,.....	20
Kingston,.....	150
Longboro',.....	40
£550 Sterling reduced to )	
Currency, )	611

*Commissioners to expend the above sum upon the respective Churches.*

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For the Church of Malden or Amherstburg,	{ Rev. Angus McDonell, Jones Caldwell, Esq. Francis Caldwell, Esq.
London,	{ Rev. Daniel Downey, Dennis O'Bryan, Esq. Patrick Smith, Esq.
St. Thomas,	{ Rev. Daniel Downey, Hugh O'Byrne, Esq. Lawrence Doyle, Esq.
Guelph,	{ Rev. John Cassidy, ——— Wardel, Esq. Thomas Rolph, M. D.
Niagara,	{ Rev. Edward Gordon, John Lyons, Esq. Daniel McDougal, Esq. Mr. Harris,
St. Catharines,	{ Rev. Edward Gordon, Alexander McDonell, Esq. Mr. Fitzgerald, Merchant.
Port Hope,	{ Rev. Patrick McDonagh, Alex. McDonell, Esq. Edward Duffly, Esq. Mr. James McCarty.
Trent,	{ Rev. Michael Brennan, Dennis McCawley, Esq. Donald McLellan, Esq.
Camden,	{ Rev. James Bennett, Mr. Thomas Campbell, Mr. Hugh Evans, and Mr. John McLaughlan.
Kingston,	{ Right Rev. Alex. McDonell, Walter McComie, Esq. David Leahy, Esq.
Loughboro',	{ Right Rev. Alex. McDonell, Mr. Mark Hyland, Mr. John Conally.
Cornwall,	{ Right Rev. Remigius Gaulin, Donald McDonald, Esq. Mr. Mason, Merchant.

No. 50.

THE CHURCH OF ENGLAND CLERGY.

They received in 1833, from the Government of Upper Canada (see Blue Book, page 102).- - - - -	£12,281
And in 1834, from the same, (see the same authority for 1834, page 102). - - - - -	9,602
	£21,883

In 1832, the net sum paid by Government to this Clergy (from the revenues raised out of the people of Upper Canada,) was, £5,433.

In the return sent in 1833, to His Majesty's Government in England (see Blue Book) an account is given of 45 *Parishes*, in all of which there is at least one clergyman, and in some *Parishes* two. The population of each *Parish* is also set down, and the number of persons who generally attend the services of the Church of England. In a note it is stated that "they (the Clergy) derive no local benefit from their respective charges."

The sum of 9,602*l.* paid this Clergy, in 1834, is shown in the official return to consist of the following items, namely, salary of two Archdeacons 666*l.* Secretary and Registrar of the Clergy Corporation 262*l.*; contingent expenses of clergy corporation 769*l.*; House rent to Bishop of Quebec 200*l.* = 9,602*l.*

"Part of the salary of the Bishop of Quebec was allowed to be paid out of the proceeds of the Clergy Reserves, as a temporary arrangement, but it is now paid by vote of the Imperial Parliament, "Blue Book, 1833, page 102."

The salary of the Bishop of Quebec is 3333*l.*\* currency, over and above his house rent at Toronto, for which the people of Upper Canada are charged 100*l.*

[We perceive a salary of 1500*l.* sterling directed by Lord Goderich to be paid the Bishop of Quebec from the casual revenue, but this was only a temporary expedient, for a part of his income, and the order has been since withdrawn.]

In the returns sent down to the Assembly, we find the following payments from monies raised in Upper Canada, 1833.

Appropriation to George H. Markland, Secretary to Clergy Corporation, to support ministers of the Church of England (from fund D.) - - - - -	£3389
Payments from Clergy Reserves, for the support of Min- isters of the Church of England, for 12 months, ending June 1833. - - - - -	8633
To Mayorhoffler for building Church in Vaughan - - -	55

IN 1831.

To sundry missionaries of the Church of England, and  
pensions to three Missionaries and two Widows - - - - - 2556

The payment of Archdeacons of the Church of England  
in this Province by vote of the Imperial Parliament ceased in

\* See Extracts from miscellaneous estimates of the House of Commons of England appended h&c, &c.

1826. In 1827 they were saddled on the Colonial Revenue; and from the 1st of January, 1827, to the 1st of January, 1835, the gross sum paid them out of the sale of the Crown Reserves to the Canada Company is 6000*l.* as follows:—

Archdeacon Stuart, 8 years at 533 <i>l.</i> 13s 4d	- - - -	£2669
Do. do. 8 years Minister of Church of Eng- land at 111 <i>l.</i>	- - - -	888
Archdeacon Strachan, 8 years, at 233 <i>l.</i> 13s 4d.	- - - -	2669
And to cash paid for the two patents obtained in Eng- land, raising them to that dignity	- - - -	147

It appears that 200*l.* a year are allowed the Bishop of Quebec for house rent in Toronto, out of the funds of Upper Canada, by authority of a despatch or letter of Sir G. Murray. [The Bishop has also an income of 300*l.* sterling a year from the British nation.

In 1831, September 13th, Archdeacon Strachan was allowed out of the funds of the colony, by Sir G. Murray's order, 1000*l.* sterling, to aid in building the Episcopal Church in Toronto, on condition that accommodation be permanently provided for His Majesty's Troops therein."

It appears from the papers on Clergy Reserves that Adam Gordon of the Colonial Office, paid in England for a Patent to constitute two Archdeacons in York and Kingston, U. C., which was repaid him from the reserves—147*l.*

Out of Clergy Reserve rents, it appears that the Archdeacon of Quebec, Dr. George Mountain, was paid in 1826, for his expenses on a journey to England on matters connected with the Clergy of Upper Canada, the sum of 222*l.*

Among the payments from Clergy Reserve rents, stated to this House, we find, towards building Parsonage Houses, at Bath 150*l.*—at Ancaster 300*l.*—at Hamilton 300*l.*—at Brockville 300*l.*—at Adelaide 50*l.*—in the Mohawk Tract 100*l.*—at Adelaide (2d grant) 50*l.*—the Mohawk Tract 100*l.*

## No. 51.

### GLEBES.

The following reservations of land were made for Glebes in 1833 and 1834, by orders in Council:—One lot in Gore of Lockiel, one in Elmsley, one in London, one in East Camden, one in Hope, and one in the town of Woolstock. The Surveyor General reports that these were the only reservations in Upper Canada for Glebes in these two years.

By a return to the House of Assembly of lands set apart as Glebes in this Province, from 1737 to 1833, we find that of these lands so set apart 22,345 acres were for the Church of England Clergy, 1,160 acres for the Kirk of Scotland Ministers, 400 acres for the Roman Catholics, and none for any other denomination of Christians.



No. 52.

RETURN OF THE CLERGY OF THE CHURCH OF ENGLAND—1834.

(As given in the Blue Book.)

NAMES OF THE MISSIONS, IN WHAT COUNTY OR DISTRICT AND EXTENT IN SQUARE MILES.	Population of each Mission.	NAMES OF THE MISSIONARY.	CHURCH WHERE SITUATED, AND THE NUMBER OF PERSONS IT WILL CONTAIN.	Number of persons attending.
Cornwall,.....	4300	George Archbold,.....	Cornwall,.....	450
Osnabruck,.....	2124	Frederick Machar,.....	Osnabruck,.....	450
Williamsburg, } Matilda, } Oxford and Marlborough,.....	4597	J. G. B. Lindsey,.....	Matilda,.....	490
Prescott,.....	2700	Henry Patton,.....	Williamsburgh,.....	300
Elizabethtown,.....	1750	Robert Blakely,.....	Kemptville,.....	300
Brockville,.....	5525	W. H. Gunning,.....	Prescott,.....	250
Dalhousie and Lanark,.....	1729	Edward Duroche,.....	Lambs' Pond,.....	150
March and Huntley,.....	uncertain.	E. J. Boswell,.....	Brockville,.....	325
Richmond,.....	1900	J. Padfield,.....	Carleton Place,.....	500
Beckwith,.....	.....	R. Short,.....	Horace Ville,.....	50
Perrh,.....	.....	R. Hood,.....	.....	.....
Hollowell,.....	7000	Saltern Givins,.....	Tyendenaga,.....	200
Carrying Place,.....	1750	William McAulay,.....	Pictou,.....	200
Belleville,.....	4000	John Grier,.....	Murray,.....	200
Adolphustown,.....	5126	Thomas Campbell,.....	Belleville,.....	350
Bath and Ernest-town,.....	5600	Job Deacon,.....	3 Churches,.....	620
Kingston,.....	5000	John Stoughton,.....	2 .....do.....	230
Peterborough,.....	5000	George O'Kill Stewart, Archdeacon,	St. George's, Kingston,.....	900
		Wm. H. D'Olier,.....	Peterborough,.....	150

## RETURN OF THE CLERGY OF THE CHURCH OF ENGLAND—1834.—CONTINUED.

NAMES OF THE MISSIONS, IN WHAT COUNTY OR DISTRICT AND EXTENT IN SQUARE MILES.	Population of each Mission.	NAMES OF THE MISSIONARY.	CHURCH WHERE SITUATED, AND THE NUMBER OF PERSONS IT WILL CONTAIN.	Number of persons generally attending.
Cavan, . . . . .	5550	J. Thomson 170 and S. Armour 100	Cavan, . . . . .	200
Port Hope, . . . . .	5000	James Caghan, . . . . .	Port Hope, . . . . .	250
Cobourg, . . . . .	3600	A. N. Bethune, . . . . .	Cobourg, . . . . .	400
Toronto City, . . . . .	10,000	John Strachan, Rector, . . . . .	Toronto, . . . . .	3000
Markham, . . . . .	4532	V. P. Mayerhoff, . . . . .	Markham, . . . . .	300
Vaughan, . . . . .	uncertain.	P. Mortimer, . . . . .	Vaughan, . . . . .	160
Hamilton and Barton, } . . . . .	6500	. . . . .	Court House, Hamilton, . . . . .	200
Ancaster and Dundas, } . . . . .	2900	J. Miller, A. M., . . . . .	Ancaster, . . . . .	250
Guelph and Woolwich, . . . . .	2900	Arthur Palmer, . . . . .	Guelph, . . . . .	400
Mohawk and Cayuga Indians, . . . . .	3641	Robert Legget, . . . . .	Mohawk Village, . . . . .	300
Niagara, . . . . .	1500	Thomas Green, . . . . .	Niagara, . . . . .	500
Grimsbv, . . . . .	uncertain.	George A. Groat, . . . . .	Grimsbv, . . . . .	925
Chippawa, Stamford, &c. . . . .	uncertain.	W. Leeming, . . . . .	Chippawa, . . . . .	225
Waterloo and Fort Erie, . . . . .	uncertain.	J. Anderson, . . . . .	. . . . .	.. . . .
St. Catharines, . . . . .	uncertain.	J. Clark, . . . . .	. . . . .	.. . . .
St. Thomas, Southwold, &c. . . . .	3500	Mark Burnham, . . . . .	Yarmouth, . . . . .	200
Woodhouse, . . . . .	4600	Richard Flood, . . . . .	Church building in Delaware, . . . . .	200
London, . . . . .	1200	Francis Evans, . . . . .	Woodhouse Town, . . . . .	250
Adelaide, . . . . .	2600	Benjamin Conger, . . . . .	London, . . . . .	480
Amberstburgh, . . . . .	2471	D. E. Blake, . . . . .	No Church, . . . . .	.. . . .
Sandwich, . . . . .	.. . . .	Romaine Rolph, . . . . .	Amberstburgh, . . . . .	300
Chatham, . . . . .	.. . . .	William Johnson, . . . . .	Sandwich, . . . . .	400
Warwick, . . . . .	.. . . .	T. Morley, . . . . .	. . . . .	.. . . .
Kingston, . . . . .	.. . . .	J. Radcliffe, . . . . .	. . . . .	.. . . .
Toronto Township, . . . . .	7301	R. S. Cartwright, . . . . .	. . . . .	.. . . .
		James McGrath, . . . . .	Springfield, . . . . .	350
				195

Of these ministers we find, by reference to page 20 of No. 5, Sessions papers (1835,) that 26 receive 111*l.* 6*s.* 8*d.* each; 8 get 55*l.* 3*s.* 4*d.* each; 1 gets 152*l.*; 3 get 27*l.* 11*s.* 8*d.* each; 2 receive 82*l.* 15*s.* each; 2 receive 72*l.* each. In all, 3880*l.* 11*s.* 1*d.* currency, per annum.

The annexed Returns from the Receiver General's Office, since received, give somewhat different results.

It is to be regretted that in very few cases have the Vouchers for the expenditure of money for building churches, &c. been laid before the country.

By reference to the printed papers sent down with Mr. Spring Rice's despatch of 5th Aug. 1834, it appears that after the 1st of April, in that year, it was proposed by the Colonial Department that the Society for the Propagation of the Gospel in foreign parts, or in other words the English Nation, should pay annually to the Church of England Missionaries in Lower Canada, 3794*l.*, by a direct vote of the British Parliament 611*l.*, and by the people of the Colony *nothing*; that no monies should be paid to the Church of England Clergy from England, but that 7229*l.* should be taken and paid them from Revenues raised from the people of Upper Canada themselves; that 4444*l.* should be paid to the Church Missionaries in Nova Scotia, by a vote of the Imperial Parliament,

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No. 53.

WESLEYAN METHODISTS.

In 1823, says the official Blue Book, page 102, they received of Government money, out of revenues raised here,.....£ 1,800

In 1834 (we quote the same authority, page 102) out of Revenues raised in Upper Canada they received of Government, as follows:

“ Wesleyan Methodists for building places of worship,”..... 389

In the Casual and Territorial Revenue accounts sent down to the Assembly, it is shown that they received a further sum, to build Churches and Chapels of,..... 611

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£2,800

This latter sum of £611, is altogether omitted in the return made up by Mr. Cameron and sent to England. Mr. Markland's letter explains the omission.

## PRESBYTERIAN CLERGY.

In 1827, John Machar, John McKenzie, John McLawrin, George Sheed, Hugh Urquhart, and Archibald Connell appear to have commenced their labours as Kirk Ministers pensioned by the Crown, out of the Revenue of Upper Canada, (Fund D.) at £100 a year each. Alexander Gale was added to their number in 1829; Messrs. McGill and Ross in 1830. Subsequently they have become still more numerous, and now receive a certain fixed sum per annum.

In 1833, they received from Government (see Blue Book p. 102,).....£ 3,058

In 1834, they received from ditto (See do. do. p. 102) 1,670

In 1834, "the Ministers of the Presbyterian Synod of Upper Canada," not in connexion with the Kirk, received, (as is shewn in the Blue Book p. 102,)..... 813

In the accounts sent down to the Assembly, the Ministers of the Kirk appear to have received in 1833, from Fund D., £1295, and from Fund K, Mr. John Machar, 100*l.*; and in 1834 from Fund D, 2,109*l.*

The Presbyterian Clergy salaried by Government and who receive 64*l.* each of "Government allowance" are stated in page 168 of the Blue Book for 1834, to be :

1. Alexander Ross,.....	Aldboro',.....	64
2. R. McGill.....	Niagara,.....	64
3. George Cheyne,.....	Amherstburgh,.....	64
4. James Smith,.....	Guelph,.....	64
5. Wm. Stewart,.....	Galt,.....	64
6. P. McNaughton,.....	Vaughan,.....	64
7. M. Y. Starke,.....	Dundas,.....	64
8. Alex. Gale,.....	Hamilton,.....	64
9. J. McKenzie,.....	Williamstown,.....	64
10. Arch'd. Connell,.....	Martintown,.....	64
11. H. Urquhart,.....	Cornwall,.....	64
12. A. McNaughton,.....	Lancaster,.....	64
13. John Machar,.....	Kingston,.....	64
14. James Ketchan,.....	Belleville,.....	64
15. J. M. Roger,.....	Peterborough,.....	64
16. J. Crooksbank,.....	Bytown,.....	64
17. T. C. Wilson,.....	Perth,.....	64
18. W. McAllister,.....	Lanark,.....	64
19. John Smith,.....	Beckwith.....	64
20. George Romances,.....	Elmsley,.....	64
21. Henry Gordon,.....	Newmarket,.....	64

22. Peter Ferguson,.....	Esquensing,.....	64
23. J. Fairbairn,.....	Ranney,.....	64
24. W. Rintoul,.....	Toronto City.	

travelling Missionary throughout the Province.

Since the above list was compiled, the Receiver General's return has been received, to which we refer the House for information still more in detail.

No. 55.

ROMAN CATHOLIC CLERGY.

Besides the pension to their Bishop, £830 a year, was formerly divided among the Priesthood, this has been since increased to £1,111 per annum.

In 1833, (we quote the Blue Book p. 102) they received from the Government in Upper Canada,..... £2,712

And in 1834, (we quote the same authority) salary of the Roman Catholic Bishop,..... 555

Roman Catholic Priests, and for the erection of Chapels,..... 1,643

In 1833 & 34, paid to Catholic Clergy from Provincial Revenue,..... 4,910

The return for the Casual Revenue shew that of the above sum of £1,643, £1,111 were for the officiating clergy, and 512l. for building Roman Catholic Churches, 194l. were also paid the Bishop for arrears of additional pension.

The Blue Book, (year 183—(for the information of His Majesty's Government,) contains an account of the Roman Catholic Clergy," shewing 34 Missions, with the following Ministers or Missionaries:—James Moore, Right. Rev. Bishop Gaulin, John McDonald, Wm. Fraser, James Bennett, James Campion, John McDonell, Timothy O'Meara, Right Rev. Bishop McDonell, John Cannon, John McDonogh, Michael Brennan, John Butler, W. P. McDonell, Patrick McDonogh, Murth Lalor, John Keegan, Edward Gordon, John Cassidy, Daniel Downey, Angus McDonell, George Hay, John Lostrie, and ——— Morin. The number of persons generally attending is stated to be 15,785.

No. 56.

EXPENDITURE ON EMIGRATION.

On our examination of the Honorable Peter Robinson's

accounts of the expenditure of £31,728 18s 11d stated to have been laid out in aid of immigration, which accounts were referred to this committee, was expended, as it is said, by the following persons:

## YEAR 1831.

F. T. Billings, Toronto, Treasurer, H. D.	£2327	16	6
J. G. Bethune, Cobourg	527	8	8
Alexander McDonell, M. P. P. Peterboro'	732	6	6
Charles Rubidge, Peterboro'	2133	4	9½

## YEAR 1831—1832.

Wellesley Richey	£1743	7	7¾
Wm Chisholm, (late M. P. P. for Halton).	1341	18	10¼
Roswell Mount (deceased M. P. P. for Middlesex)	7178	5	1
Alexander McDonell, M. P. P. Peterboro'	962	5	6
Cheeseman Moe, Peterboro'	139	19	11½
John Patton, Prescott	2298	9	4
A. B. Hawke	183	4	6
Lawrence Hearn	341	5	5
James Fitzgibbon (Clerk of Assembly)	442	16	2
John McNaughton	175	0	0
John Gamble, Etobicoke	1331	17	10¼
James F. Smith, Grocer, Toronto	286	0	0
James Durand	125	0	0
Mrs. Swan	119	13	8
George Keefer, Thorold	61	7	6
Robert Marchant, & Co. Toronto	53	10	0
Doctor King, Toronto	72	8	6½
Charles Rubidge	187	18	9
J. G. Bethune, Cobourg	237	4	2
Robert Stanton, Toronto	33	6	4
Sundry payments in comparatively small sums	1309	19	2

## YEAR 1832—1833.

Roswell Mount (then M. P. P. for Middlesex) salary as a Government Agent for Emigrants	104	15	6
John Hayes, salary as do. do.	84	10	0
James Nation, a Clerk in the Inspector General's Office, as Treasurer of York Hospital	56	7	0
Wellesley Richie, salary as a Government Agent for Emigrants	182	10	0
Do. allowance for travelling expenses	37	1	0
All other payments in the year 1832-33	1152	4	10

## YEAR 1833—34.

A. B. Hawke, salary and travelling allowance as an Emigrant Agent for 1833.....	308	0	0
A. B. Pawke, do. do. do. for 1834...	324	2	6
H. C. Young, salary as a Superintendent (where?).....	61	0	0
J. H. Hamilton, salary as a Clerk (where?)	79	7	6
Wellesley Richey £61 10s, £61, £60, for salary as an Emigrant Agent.....	182	10	0
Other payments to a variety of persons...	2747	10	10
	<u>£29868</u>	<u>4</u>	<u>2</u>

## 1833.

Opening a road and building a bridge near Kempensfeldt Bay.....	£925	19	9
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## 1834.

Road work in Simcoe, same quarter.....	934	15	0
--	-----	----	---

£31728 18 11

Of this sum £31,652 18 5 were paid out of the public revenue not raised from direct taxation; and £9 12 6, the proceeds of a yoke of Government oxen sold by John Corner; £45 18, the proceeds of Government property left by Roswell Mount; £2 for sale of emigrant shed; and £18 10 from John Hatch, for provisions sold to Petworth emigrants, = £31,728 18 11.

Of the expenditure by Mr. Billings, £21 15 were for the emigrant agency and allowance of James Wiskins; 115*l.* do. do. to Edward O'Brien; 197*l.* to Thomas McGrath for do. do.; 104*l.* for the contingencies of Cheseman Moe; 89*l.* for agency by John Corner; and £138 15 for agency by F. T. Billings.

A very considerable proportion of the expenditure on emigration, is for articles or services not specified, and concerning which a Committee of the House of Assembly can know nothing unless they were to send for the detailed accounts and vouchers, which it would be impossible to examine at the late period of the session at which the Government sent down these statements. In Charles Rubidge's account for 1831, 35*l.* are charged for Joseph Talbot's office service, and Scanlan and Hutchinson received 40*l.* and 117*l.* 15 for medical

aid ; Rubidge gets 87*l.* 10 for agency, and nearly 29*l.* for his contingencies ; and Charles Rubidge, jun. has 21*l.* 15 for issuing provisions.

Wellesley Richey's detailed statement of the expenditure of 2081*l.* in Oro, Orilla, and Medonte, 1832, is like that of Mr. Robinson himself, a specimen of the imperfect mode of accounting for public monies which prevails in Upper Canada. All monies paid to public accountants should be paid into the Treasury, so that the gross receipts and expenditure might be seen, instead of which, Mr. Richey retains and deducts the monies paid him by the Simcoe emigrants for provisions and implements £328 12 3 $\frac{1}{4}$ , in the same manner as Mr. R. had retained and deducted the proceeds of the oxen, &c. He charges 333*l.* 10 for his agency over and above all allowances.

Roswell Mount's account is for 7558*l.*, but he deducts nearly 334*l.* for provisions sold to emigrants in Carradoc, Adelaide and Warwick, and nearly 39*l.* more paid him for labor done at the expense of the Government. The difference is £380 1 10 $\frac{1}{2}$ . His charges are as follow :

To amount paid for transport of emigrants' baggage, 517*l.* ; to paid for labor on the roads in Adelaide, Warwick, and Carradoc, 2,915*l.* ; to paid for supplies, 2,630*l.* ; to paid for the erection of houses in Adelaide and Warwick, 948*l.* ; for hospital expenses in Adelaide and Warwick, 218*l.* ; to himself as agent, 330*l.*, omitting fractions.

The Committee have called on Mr. Robinson to transmit the detailed statement of this account with the vouchers, for examination.

In the account of the expenditure of Mr. Alexander McDonell, M. P. P., Peterborough, (amounting to 715*l.* 19 5) 289*l.* are charged for his own services as an agent, besides his travelling expenses, and 182*l.* 10 for a salary to Joseph Talbot as a clerk.

Lieutenant Colonel Fitzgibbon claims 51*l.* 4 6 for his services as an emigrant agent, and for the forage of his horse.

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### No. 57.

The Committee had not time and opportunity to examine in detail, the nature of the charges made by the several accountants, whose expenditures compose the sum of £31,728 18s. 11d., but they sent to the office of the Inspector General for the vouchers and detailed statements which supported the account of Roswell Mount, late Member for Middlesex, and



who acted, as it appears, as an Emigrant Agent. His charge is £.7558 6s. 11½d.

MONDAY, MARCH 23d, 1835.

The Committee met, and the Chairman was directed to address a Letter to the Inspector General as follows:—

COMMITTEE ON GRIEVANCES, }  
House of Assembly, March 23rd, 1835. }

SIR,

With reference to the abstract, sent down by His Excellency of an account current between the Government of Upper Canada, and the late Mr. Mount, M. P. P. for Middlesex, in his capacity of Emigrant Agent for £.7,558 6s. 11½d. I am directed by this Committee, to whom the said account is referred, to request that you would cause the original statements in detail, and the vouchers to be laid before it, in order that they may be examined, after which they will be carefully returned into your charge.

I am, Sir,

Your Most Obedient

Humble Servant,

W. L. MACKENZIE,

Chairman.

To

The Hon. G. H. MARKLAND, }  
Inspector General of Public Accounts. }

Of the Accounts, No. 10 is a statement of monies, paid for provisions, &c. for emigrants in Adelaide and Carradoc, some of the items and prices are as follows: [Halifax Currency, 5s. to the dollar, price for cash.]

WILLIAM ROBERTSON & BROTHERS,

Account.

	£	s.	d.
September 1832.—Flour at 18s. 3½d. per cwt.	£116	13	3
“ “ 36 bbls. do. at 32s. 6d. per			
“ “ bbl.....	58	10	0
Oct. 20th, “ 90 cwt. 1 qr. 70 lbs. Beef..	100	16	3
Oct. 2, to Nov. 2, 1832.—199 cwt. 19 lbs. Flour			
“ “ at 20s. 7¼d.....	206	12	8
“ “ 24 bbls. Flour, at 41s. 7d.	49	11	0

Nov. 12th,	"	37 cwt. 8 qrs. 6 lbs. Beef,			
		at 25s. 2d.....	47	11	4
Feb. 16th,	1833.—	341 bbls. Flour, at 36s....	612	13	6½
"	"	" 314 cwt. 1 qr. 7 lbs. do. at			
		19s. 2d.....	304	5	4
"	"	" 9 bbls. Pork, at 80s.....	36	0	0
"	"	" 5 bbls. Salt at 30s.....	7	10	0
"	"	" 17,294 lbs. Beef, at 22s.			
		6d. per 100 lbs.....	104	11	2
"	"	" 79 bbls. Beef, at 60s.....	237	0	0

## THE HON. THOS. TALBOT'S ACCOUNT.

Oct. 13th, 1832.—13,416 lbs. Beef..... £150 18 8

## CHARLES TOZER'S ACCOUNT.

Jan. 14th, 1833.—28 bbls. Flour, at 30s..... £42 0 0

" " " 10 " Beef, at 50s..... 25 0 0

## THOMAS KEITH'S ACCOUNT.

Feb. 14th, 1833.—25 bbls. of Beef, at 45s... £56 5 0

£517 10s. are charged for teaming provisions to the Emigrants to Adelaide, Carradoc and Warwick for teaming baggage to these Townships; for teaming Provisions from Bear Creek, &c. In cases where baggage has been teamed, no mention is made whose baggage was so teamed, but Bela Brewster Brigham certifies occasionally that the work was done and that too correctly, at a fair price.

No. 6 is an account for labour done by persons under the superintendence of Mr. Mount, at various wages, such as 2s. 4d. and 3s. 9d. per day. The amount being £1,437 15s. 6d.

The Vouchers to No. 6, are pay lists of about 386 laborers. These pay lists are not weekly or monthly receipts, but include in one receipt or pay list each person's labour within the months of August, September and October, 1832. It would appear that the labourers were paid for seven days in each week, for it requires in most cases that the Sundays be included to make up the days charged, from the beginning to the end of the periods charged.

In some cases the errors in computation of time have been corrected by the Venerable the Archdeacon of York, who presided in the audit of Mr. Mount's accounts, by the Executive Council. For instance, in one of the lists, fifteen pence is deducted for an overcharge in the time of Daniel McCaw, while no notice is taken of the following charge in the same list, viz:—

" William Robins, from 19th September to 20th October—39 days at 2s. 4d.... £4 11s."

An Audit which allows 39 days between the 19th September and the 20th of October is not much to be depended on.

In the Executive Council's audit 2*l*. 5 each is deducted from the teaming account of Jesse Cornwall and Wm. Vail, because the vouchers had not been signed, and 2*s*. 4*d*. is withheld from a laborer, being one day's work, for the same reason.

On the other hand 33*l*. 17 is allowed Thomas Gibbons in the account of supplies; the 10th No. in that account, and instead of a voucher for that sum, a duplicate receipt of Robertson and Brothers is endorsed on the back No. 10, and placed in its stead among the vouchers.

As to the laborers' signatures, they are generally attested by Bela Brewster Brigham, who also acts in the capacity of an endorser on a variety of accounts, that services were performed and that the charges are just. To distinguish between those who can and those who cannot write, the latter are made to put crosses as their marks. The signatures of those whom the witnesses proffer to have seen sign their names are in many cases imaginary, for in some pay lists three, four or five of them are evidently written by the same hand, and occasionally what purports to be the signature of the laborer is evidently that of the person who attests that he saw him write his name.

Some of the signatures on the pay lists are certified to by John Burke and Edward Burke, the signatures to some other pay lists are not attested by any witnesses at all.

£218 8 3½ are claimed for Hospital expenses, of which Dr. R. N. Starr's bill is for "medicines and attendance furnished to 750 emigrants in camp and hospital," at 2*l*. per day, 96*l*.

Dr. Hawkins' bill amounts to 92*l*. nearly, and he names the various patients for whom he demands payment. The sickness must have been very great indeed.

Another account is for disbursements by Mr. Mount, as emigrant superintendent, amounting to 329*l*. 14 0.

£207 1 6 are for his wages at 15*s*. per day, and 1*s*. 6*d*. per day additional "for a ration;" 83*l*. 2 6 are for a daily allowance of 7*s*. 6*d*. to Colonel Bela Brewster Brigham, as assistant superintendent under Colonel Mount; 39*l*. 10 are to James Inches as clerk at 5*s*. a day.

These accounts were audited in Council on the 12th of September 1833, and is attested by "John Strachan, Presiding Councillor."

No. 58.

ON THE MANAGEMENT OF THE PUBLIC  
REVENUE.

The following Extracts from the Report of the Commissioners on Revenue in Great Britain, recommends the observance of principles of the utmost importance to the public welfare, for promoting economy and retrenchment, and particularly for ensuring strict accountability in every department of the public service.

*Report on the Public Revenue of Great Britain, by Sir Henry Parnell, M. P., Lord John Russell, M. P., Sir James R. G. Graham, M. P., Sir James Kempt, and the Right Honorable Edward Ellice, M. P., E. Poulett Thompson, M. P., and Mr. F. T. Baring, M. P., dated War Office, October 8th, 1831.*

## EXTRACTS:

\* \* \* \* \*

To accomplish with perfect security and efficiency these objects of safe custody, legal appropriation, and record, it is obviously necessary that all public monies whatever, should in the first instance be paid into the exchequer. But it appears from the accounts laid before Parliament, that the whole amount of the public income is not so paid, but that amounts derived from divers sources of revenue are received and disbursed without the intervention of this institution, or being in any way submitted to its control. It is also certain that considerable sums arising from taxes and other matters are deducted from the gross receipts, and retained and expended by several departments, which only account to the exchequer for the nett amount, after such deductions. We think this practice should be discontinued; and we recommend that the gross receipts of public money, whether arising from taxes in each part of the United Kingdom,\* from the income or sale of Crown property under the administration of the Woods and Forests; from the sale of Old Naval Ordnance or other Stores; from unclaimed dividends; unclaimed prize money; deduction from pensions, loans or Exchequer Bills, or from any other sources, should be placed without deduction in the custody of the Exchequer, and be accounted for to Parliament, whose authority should be necessary for the appropriation of the whole.

We feel this principle to be one of paramount importance for the

\* The duties of the Barons of the Exchequer in Scotland as far as relates to the management of the property of the Crown and the public, in Scotland, as a Board of Treasury are described in the Appendix (Y) p. 185. The duties of the Vice Treasurer of Ireland are described in the Appendix (Z) p. 181.

security of the public money in the two great branches of receipt and expenditure, we think that no portion of the public treasure, should be arrested under any plea or pretence whatever, on its way to the Exchequer, and that no portion of it should be issued from the Exchequer without previous Parliamentary sanction. Your Lordships will perceive that a really efficient and complete control can be introduced into the different departments of the public service only by the adoption and establishment of the principle we recommend—a principle, which we believe to be the necessary preliminary to all satisfactory financial reform; by which means, not only will the whole of the public treasures be made available for the public service, but the expense for collection will appear as a part of the public expenditure, and be consequently placed immediately under Legislative and official control.

We may refer to the satisfactory effects which have been produced by the introduction of such a regulation into the administration of the public finances of France in justification and support of our opinion on this essential point. If difficulties should occur, or objections be started from peculiar circumstances to the immediate application of this rule in all cases, it appears essential to recognise the important principle on which it is founded, and to urge upon your Lordships the policy of admitting the smallest possible number of exceptions to its application, and of allowing these exceptions to continue for the shortest possible period. We feel confident that a short experience of this improvement will soon remove the impediments which may at first be opposed to its adoption.\*

\* \* \* \* \*

We recommend as an additional means of disincumbering the Exchequer of useless and complicated duties, the immediate abolition of fees. Not only the Exchequer, but every department of the public service would be greatly benefitted by their total suppression.

\* \* \* \* \*

We now proceed in the further discharge of our duty to the consideration of what books will be necessary to introduce in order to establish an intelligible, plain and correct system of record and

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\* A regulation of this character was introduced into France, by an ordinance of the 14th September, 1832, and appears to have been eminently beneficial in its operation. It provides, that under no circumstances can any branch of administration receive or dispose of any other funds than those which have been voted for its service by Legislative authority—that in case of any sale of public property, the proceeds of such sale shall be paid into the Treasury, and shall not be at the disposal of the Department to which the property belonged. In order to accomplish this object, it decrees that the presence and sanction of an officer of the Treasury shall be necessary for effecting any such sale, and it prescribes the form under which the sale must be conducted. It declares, as a general principle, that all money received from the public shall go to the Treasury and be accounted for as a portion of the public revenue. The circulars of the different administrations also direct, that the amount of no sale of stores or other public property, in a word no payment of any description shall be received by any Department, to be disposed of by that or any other department, unless it form part of the credit granted by the Legislature. See Mr. Bowring's last Report, pp 3, 9.

account at the Exchequer. We recommend that those books should be under the management of two departments, one of record and the other of accounts. In the department of record, all the royal orders for directing credits to be given for the service of the several public departments, should be entered in an abstract form, and in the same way all the monthly and other Treasury warrants for giving credits at the Bank of England. It should also record all Parliamentary Grants and Acts of Parliament connected with the expenditure of the public money. The business of record should have connected with it the duty of examining the legality of every order which is sent to the Exchequer, and of comparing all the special warrants of the Treasury, with the authority given by the Royal order; and it should have the power of stopping credits if not legal.

The department of accounts would have to register, in a business like form on the double entry plan, all the facts of receipt and credit as they occur. A cash book would be kept in which all the revenue specification papers or other analagous documents of payments made into the Bank of England, for account of the Exchequer, should be chronologically and daily entered, such specification papers or other documents, having been duly compared with the daily statement of receipts sent by the Bank to the Exchequer.

This department will also be required to enter in regular order an abstract of cash warrants sent by the Treasury to the Exchequer, showing the date, service and amount and the particulars of the credits given in conformity thereto.

Accounts of the same kind as those which are now sent weekly, quarterly and annually by the Exchequer to the Treasury should be made up and sent there, with such improvements as the proposed alterations in the Exchequer system may suggest.

\* \* \* \* \*

With the view of accomplishing a complete settlement of the annual accounts and of preventing all obscurity or mistake, arising from the mixing of the amount of credits for the service of one year, with the amount of credits for the service of another year, we propose that the Exchequer shall cease to give credits on the 1st of October of each year for money voted in the year ending with the preceding 31st of December, and that all credits not made use of by a day to be fixed, shall be cancelled; and that the funds not applied, shall revert again to the disposal of Parliament.

As we have not the slightest hesitation in advising the employment of the commercial system of Book-keeping in its purest and most simple form, in all the public departments, and as we consider its application as forming the necessary ground work of any really important improvement, we shall refer, somewhat in detail, to the reasons which have induced us to recommend it so decidedly and urgently to the approbation of your Lordships.

The peculiar excellency of what is denominated the Mercantile System of Book-keeping by double entry, consists in the facility with which it embraces accounts, however complex, various and extensive; giving to all their differences of detail a unity of result and concentrating them at last in the most condensed shape, while it enables the examiner to trace them without difficulty to their re-

most ramifications. In the initiatory or auxiliary books of account, a correct system will admit of all the modifications suited to the particular service; but as soon as the principal or double entry books take possession of the facts of an account, however intricate and varied, they become subjected to its general and harmonious law. Its machinery is employed to obtain an ultimate balance sheet, which will present in a concise, correct and intelligible form all the centralized facts of receipt on the one side, and of expenditure on the other, under their special heads. Of the efficacy of this system the trading world, in its infinite variety of commerce and concerns, gives unanimous evidence.

Into every well regulated manufactory, into every extensive mercantile establishment, in every part of the civilized world, it has gradually but peremptorily forced its way. The Revenues of no Government have been safely administered; the accounts of no Government have been intelligibly kept; the business of no Government has been promptly and satisfactorily despatched; until the commercial system has been introduced, with its order and uniformity, into the different departments. Several of the Governments of Europe have adopted this method after repeated and vain attempts to accommodate by other means the dissimilar usages of their various public offices to one general system; and there is no instance of any Government having abandoned the mercantile practice after having once employed it. On the contrary every Government that has introduced it has borne testimony to its adaptation to national concerns, and its complete efficiency for all fiscal and financial operations and records. It is the system adopted by the East India Company, both at home and in their dependencies abroad, and we need only refer to Mr. Bouring's report on the public accounts of France for irresistible proofs of its value, practicability, comprehensiveness, clearness and efficiency. Indeed it appears from his statement, that a succession of ministers of France have borne unanimous and cordial testimony to the excellent workings of the commercial system of accounts, in all the departments of government; that the objections originally suggested against it, by persons who had not attentively considered its bearings, on the grounds of its not being adapted to public official accounts, have all given way before the evidence of its sufficiency and superiority. In the words of Count Chabrol (the late minister of France,) simplicity and rapidity, in the progress of the public accounts, have been accompanied with clearness and regularity of result,—incompleteness and delay have been succeeded by publicity and promptitude.

The system of accounts as adopted in France has afforded perfect security against default and delapidation; it has brought with it savings of expense to the amount of several millions sterling per annum; it has diminished the labors and anxieties of public servants, and has again and again been eulogized after elaborate and detailed examination by statesmen of all parties in both Houses of the French Legislature. Opposed to such facts, and to the admitted experience of the whole commercial world, we do not conceive the opinions hostile to this system of accounts have any considerable weight.

The late Board of Treasury in their minute of the 14th July, 1829, recognize the plan of double entry; as the principle proper to

be adopted, and state the propriety of substituting, for the numerous account books now in use, a regular Cash-book, Journal, and Ledger, as the foundation of a system of Book-keeping upon a plan of double entry; and again they declared that a thorough knowledge of Book-keeping by double entry is above all indispensable to the success of the new measures.

This is indeed the great principle of the best commercial accounts, and though in the auxiliary books of merchants, there are many varieties suited to their different concerns, there is no essential difference in the way in which all intelligent merchants keep their double entry journal and ledger. The ledger invariably represents concentrated, and not diffuse accounts, it is in a word the amalgamation of similar facts under their different heads; it is the volume of results and not of particulars; it is in fact, the tabular centralization of all the various auxiliary books, and the final instrument of the balance sheet. The plan of double entry is but the means of collecting in the ledger, the particular facts scattered thro' the elementary books in which they are recorded. A proper system of accounts will arrange all details in its progress, but while it arranges, it condenses at every step; till it brings all its topics under their principal and primary heads in the pages of the ledger; and when a reference is made from it to the journal and auxiliary books, it will readily supply all details with the greatest facility and accuracy.

We have said thus much in recommendation of this system, from the strong conviction we entertain that its general adoption in the public departments is the great prominent all-important improvement, without which, every other will be necessarily and essentially imperfect.

This system properly understood leaves nothing to the caprice of the accountant; it subjects all the elements of an account to an undeviating self corrective operation, the result of which is, as we have said, their centralization under their appropriate heads. It provides against all confusion between contingent and positive claims, between payments ordered and payments made, in a word, compels the grouping together of all facts which are of a similar or homogeneous character.

\* \* \* \* \*

In another report we shall suggest to your Lordships such plans for the payment of the public expenses as appear to us necessary to be adopted, in consequence of the alterations we have brought under your consideration, respecting the receipts and issues of the public money.

We have the honor to be, my Lords,

Your Lordship's most obedient humble servants,

H. PARNELL,

J. RUSSELL,

J. R. G. GRAHAM,

JAMES KEMPT,

C. POULET THOMPSON,

F. T. BARING,

EDWARD ELLICE.

WAR OFFICE, }  
OCTOBER 8th, 1831. }



## No. 58.—A.

## FOURTH SESSION, ELEVENTH PARLIAMENT.

*Extracts from an Address by the House of Assembly of Upper Canada to His Majesty on the Disallowance of the Bank Acts.*

“ MOST GRACIOUS SOVEREIGN.

We, Your Majesty's most dutiful and loyal subjects the Commons House of Assembly of Upper Canada in Provincial Parliament Assembled, in full assurance of Your Majesty's earnest desire to promote the welfare of Your people, beg leave humbly to address ourselves to Your Majesty upon a matter of the deepest interest to Your faithful subjects in this Province. \* \* \* \* We humbly represent, that, although the disallowance of these acts may appear to be authorized by the letter of the Statute of the British Parliament, \* \* \* \* *yet it is contrary to its spirit and meaning, and to the principles of a free government.* We believe that this provision was made to remedy the evil which might be occasioned by the Royal Assent being given in the Colony to a Provincial Act that should be found incompatible with the rights and interests of other portions of the empire, but we cannot think it was intended to give a power of interference with our internal affairs. *Against such an interference, we respectfully, but plainly and solemnly protest, as inconsistent with those sacred constitutional principles which are essential to a free government:* since it is manifest, that if Your Majesty's Ministers, at a distance of more than four thousand miles and not at all controllable by or accountable to Your Majesty's subjects here, and possessing necessarily a slight and imperfect knowledge of the circumstances of this country, the wants and habits and feelings of the inhabitants and the mode of transacting business among us can dictate a different course, in relation to measures affecting ourselves only, from that which the people by their representatives, and with the concurrence of the other Branches of the Provincial Legislature, have chosen, we are reduced to a state of mere dependance upon the will and pleasure of a ministry that are irresponsible to us, and beyond the reach and operation of the public opinion of the Province; and no one can rely upon our Provincial laws, although they may be constitutionally and deliberately formed, but the most unhappy uncertainty and want of confidence will prevail and extend their disastrous influence over all our business transactions. *We respectfully claim the same right in behalf of Your Majesty's Subjects in this Province, to be consulted in the making of laws for their peace, welfare and good government, which our fellow subjects in Great Britain enjoy, in respect to laws to which their obedience is required;* and although, from the necessity of the case, power must be granted to the head of the empire of preventing colonial laws being adopted and enforced which are incompatible with treaties between Your Majesty's Government and foreign States, or with the just rights of any other of Your Majesty's Colonies; yet *with these exceptions, we humbly submit*

that no laws ought to be, or rightfully can be dictated to, or imposed upon the people of this Province, to which they do not freely give their consent, through the constitutional medium of representatives chosen by, and accountable to themselves.

The force of our humble and dutiful remonstrance against the principle of an interference of Your Majesty's Ministers with our internal affairs, we are not willing to diminish, by insisting upon the inconveniencies and evils likely to follow from the exercise of power which, &c. \* \* \* \*

We therefore respectfully and humbly pray that Your Majesty, taking these matters into Your favorable consideration, will be graciously pleased not to disallow these Provincial Acts and not to permit Your Majesty's Ministers to interfere with our internal affairs; but to leave the same entirely to the discretion and control of the Legislature of this Province."

For the final passage of the above address voted Messrs. Berczy, Bidwell, Boulton, Buell, Burwell, Campbell, Chisholm, Clark, Cook, Crooks, Duncombe, Elliott, A. Fraser, D. Fraser, Hornor, Howard, Jarvis, Lewis, A. McDonald, D. McDonald, Macnah, Merrit, Morris, Perry, Randal, W. Robinson, Samson, Shaver, Vankoughner, John Willson, and Wm. Willson.—The only nay was Mr. Ketchum.

## No. 59.

### FORM OF A WARRANT.

The following is the form in which Warrants are made out upon the Receiver General by the Governors of Upper Canada, for the payment of sums out of the Revenue over which the Legislature have not exercised a controlling power:

SIR PEREGRINE MAITLAND, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.

To the Honorable JOHN HENRY DUNN, Receiver General of the said Province.

You are hereby directed and required, out of such monies as are in, or shall come to your hands for defraying the civil expenditure of this Province, to pay, or cause to be paid unto George Hillier, Esq. my private Secretary—

£141 14 8½ } or to his assigns, the sum of one hundred and  
sterling dollars. } forty one pounds 14s 8½d, sterling, equal to  
at 4s. 6d. } £157 8s. 8d currency, being the amount of  
expenses incurred in the hire of horses for me and my suite, in  
visiting the settlements in the Newcastle and Bathurst Districts,  
in the month of February last.

Entered,

J. BABY, Inspector General.

And for your so doing, this, with the acquittance of the said George Hillier or his assigns, shall be your sufficient Warrant and discharge.

Given under my hand at York, this 27th day of March, 1826.  
P. MAITLAND.

By His Excellency's }  
Command }  
G. HILLIER. }

*The Receipts are granted thus :*

UPPER CANADA.

Receiver General's Office, }  
York, the 27th day of March, 1826. }

RECEIVED of John Henry Dunn, Esq. Receiver General, the sum of one hundred and forty one pounds fourteen shillings and 6½d sterling, being the amount of expenses incurred in the hire of horses for the Governor and his suite, in visiting different settlements in February last, pursuant to Sir P. Maitland's Warrant No. 133, of this date, having signed five receipts of the same tenor and date.

G. HILLIER.

£141 14 8½d sterling }  
dollars at 4s 6d each. }

No. 60.

*Remarks on casual Revenue Accounts.*

Some of these drafts on the public Treasury refer to no law or general regulation.—The one we have selected shews Sir P. Maitland drawing on Mr. Receiver-General Dunn for such travelling charges as he thought fit, in the same manner as if Mr. Dunn had been his agent or land steward; His Excellency's Secretary gives a receipt accordingly. There is only this difference—the Lords of the Treasury in England might, if they thought fit, disallow the bill, and cause the officer to refund. The people of Upper Canada who ought to exercise a control have not hitherto interfered.

Among other payments from the casual Revenue, we notice the following:—

In April 14, 1826, Grant Powell, Esq. received payment for fifty-nine days, stated as having been expended in enquiring into abuses in matters of Timber on Crown Lands, at the rate of FOURTEEN Dollars for each day. (Fund K.)

On the 18th of October in the same year, forty-six days on the same enquiry of C. A. Hagerman, Esq. paid at the rate of *fourteen* Dollars per day. (Fund K.)

These payments per day are seven-fold higher than those of the Members of the House of Assembly.

The account or Fund D. was ordered to be kept separate, by a letter from the Lords of the Treasury, dated 31st of August, 1827; it shews the receipts and payments of funds derived from the Canada Company.

Seven years compensation to S. Ridout, (Registrar, H. D.) because he had been deprived of the office of collecting fees and distributing them to the officers of the Land Granting Department, allowed in lieu thereof 1,555*l.*

£100 and 300*l.* paid to the Hon. P. Robinson, to enable him to erect a Mill for Emigrants in the New Castle District. £600 for the completion of the Government Mill at Peterborough, paid to Mr. Alexander McDonell, 1827.

£3,000 paid into the Military Chest in Montreal, 9th Jan. 1828, for advances made in England for the service of Upper Canada. It does not appear what the services were.

The like remark applies to other £1,433 paid into the Military Chest on the 4th of Feb. following.

To Mr. Dunn £308, to enable him to remit to England, out of the Colonial Revenue, the pension of the Widow Campbell for 1827, per order of Mr. Secretary Huskisson.

To Z. Mudge for repairs of the Government House, audited in Council 23th February, 1829—£615.

With reference to the public printing, it appears, that not only did the Executive Government pay Mr. Robert Stanton a very extravagant price for the work he did, but also ordered him to receive 600*l.* out of the Casual Revenue on the 2d of February, 1826—to enable him to complete a large printing establishment to compete with other printers in Toronto, he re-paying the same by annual instalments in the course of seven years, without interest. He was also paid 120*l.* on the 1st of November, 1828, out of the public revenue under the pretext that it was to make up a deficiency of compensation for 1827 and 1828. Mr. James McFarlane's name appears in the accounts as being in the receipt of 50*l.* a-year as a retainer, under the pretext that it was paid him annually for publishing proclamations, &c.; this deceit has either been since transferred to some fund unknown to this Committee or discontinued of late years.

No. 61.

**King's College.**

Under the guidance of the Church of England.

President—Archdeacon Strachan.

Grant from the proceeds of sales of the public lands to the Canada Company, for 1828, '29, '30, '31, '32, '33 and '34—seven years, at £1,111 a year, £7,777. This institution is endowed with 225,000 acres of valuable public lands.

The Committee reported an address enquiring into the expenditure of King's College, that establishment not being as yet in operation, no information has been given by the Lieutenant Governor, your Committee have therefore referred to the returns in the Journal of 1831-2, p. 181 of the Appendix, where it is shewn that there is a Registrar with 150*l.*, a Bursar with 150*l.*, a Clerk with 100*l.*, & a messenger with 86*l.*; who these officers are is not there stated, nor are their several duties well ascertained. There appears to have been ample time afforded for sending to the House the accounts of the receipts and expenditure, had the Government been disposed to do so during the present Session.

No. 62.

**Upper Canada College.**

J. H. Harris, Principal,	- - -	£666
C. Matthews, Classical Master,	- - -	333
C. Dade, B. A., Mathematics,	- - -	333
G. A. Barber and John Kent, Writing, &c.	- - -	333
J. P. De la Haye, French Master,	- - -	222
J. G. Howard, Drawing Master,	- - -	222

The "fixed annual charges for salaries and allowances" in this College, exclusive of contingencies, all which charges are paid from public revenues raised from the people of Upper Canada, are the above, as also a Vice Principal at 444*l.*; a Second Classical Master at 333*l.*; a Porter at 44*l.*; 27*l.* 10 of an allowance each, for the three Junior Masters, in lieu of dwelling houses, which houses the seniors have in addition to their salaries. These facts we ascertain from page 183, of the Appendix to the Journal for the 2d Session of the last Parliament.

The information required of the receipts and expenditure of this Institution has not been transmitted to the House agreeable to its address.

No. 62. [A.]

TUESDAY, March 3d, 1835.

Address to His Excellency the Lieutenant Governor, for information in relation to King's College.

*To His Excellency Sir John Colborne, K.C.B.,  
Lieutenant Governor of the Province of  
Upper Canada, Major General commanding  
His Majesty's Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY :

WE, His Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament assembled, humbly request that Your Excellency would be graciously pleased to direct that there be laid before this House, statements entering into a detail of particulars, and shewing—

1st. The whole expense which has attended the building of Upper Canada College, with the houses, outhouses and gardens thereto belonging, and all the improvements and alterations made in the said premises from the commencement up to this time; with the authority under which such buildings were erected, and such alterations and improvements made; and from what funds the payments have been severally taken.

2d. The expenditure which has been made on the grounds purchased for King's College, from the time the grounds were purchased, with all the salaries, incomes, allowances, fees, perquisites and emoluments of every description, paid or ordered to be paid to any persons as officers, servants or workmen, or in any other way connected with the institution up to this date, shewing what each person has received, and describing the services he has rendered therefor, and the sums alleged to be due to any persons as officers of the said institution.

3d. A copy of any communication from His Majesty's Government, by authority of which £712 16 2 were paid Archdeacon Strachan out of the College funds, as expenses of a journey to England performed by him.

4th. The receipts, arising from whatever source, of the Upper Canada College since the 30th June, 1831; the debts due the College; the income arising from fees of tuition; and the rates of tuition; also the expenditure of the College since the said 30th June 1831, detailing the fixed salaries and the contingencies, and mentioning to whom they were severally paid, and at what times and for what services, and stating all debts or obligations against the institution, and the whole income, wages, emoluments and allowances paid to its officers and servants generally.

5th. Full and detailed statements of particulars of the receipts and payments, of which a general abstract only is given in the documents respecting King's College, Upper Canada College,

and the General Board of Education, which accompanied Your Excellency's message to this House of the 12th January 1832, and pointing out what the services are for which certain officers not named had received £200 up to that period, and claimed £400 more as arrearages from funds of King's College.

6th. A statement going into particulars and shewing what monies have been paid into the treasury of King's College since the 30th June 1831, and mentioning the reasons, if any, why the funds of King's and Upper Canada College might not be paid to and by the Receiver General, and the burthen of a plurality of officers and offices removed.

7th. A statement of the number of scholars taught at Upper Canada College from its commencement till the present time, and mentioning the number on the 5th of January, April, July and October of each year; with the number of scholars sent from the country and the number taught belonging to this city.

8th. An account of the course of education in Upper Canada College, the extent of the vacations, the books used by the different classes, with an account of their progress respectively, and the names and number of all children taught without being liable to the payment of fees; as also whether the scholars or any part of them are required to conform to, or be instructed in the peculiar creeds or religious exercises of any Christian denomination.

### His Excellency's Answer :

#### GENTLEMEN :

I will direct the information required in this address to be procured for the House of Assembly.

[No information was received by the House relative to the funds of the College and University.]

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### No. 63.

#### District Funds.

It appears from the Returns to England in the Blue Book, that the amount of District Assessments, (direct taxation) in 1833 was £18,441; and in 1834 £18,671; on these sums 4 per cent. or about £740 a year is paid to twelve District Treasurers, appointed during the pleasure of the Magistrates, who are appointed during the pleasure of the Lieutenant Governor.

There are also large additional sums received from Wild Lands Assessments in cases where the Lands have been sold.

All these monies are expended under the control of the District Magistrates, to Coroners, Jailors, Surveyors of Roads, Constables, Treasurers, Deputy Sheriffs and their principals, Clerks of the Peace, for Fees, Contingencies, Printing, Bridges, Roads, Wolf Scalps, Medical Men, Members of Assembly, their wages, &c. In most cases the patronage is entirely under the control of the Justices.

The first item in the Blue Book for 1833, is a table of fees authorised by orders of the Lieutenant Governor.

They consist of fifteen pence for each search in the office of the Secretary and Registrar by individuals for private information, which that officer states he never demands; fifteen pence to the Surveyor General from "persons not privileged" for every search, and 2s. 6d. upon each location ticket issued to them; also 5s. 6d. upon each petition for land "by persons not privileged."

Follows, a table of fees to the law officers of the Crown, of which a guinea for the draft of any instrument under the Privy Seal, and the like sum for any opinion in writing given on any reference to them from Government. These charges do not appear to be authorised by any law of the Colony.

They continued without alteration in 1834.

It appears from the above authority that these are the only fees chargeable by any Government office, other than those authorised by any Provincial Statute.

## No. 64.

### Toronto Hospital.

In reply to an Address to His Excellency, reported to the House by this Committee, a very imperfect account of the funds and property of this institution has been obtained. The statements made seem to indicate the necessity of a change in the system under which that institution has hitherto been managed. Unless its managers shall be made elective by proper bodies of the inhabitants of the city and county, there is reason to fear that it will not prove of that utility to the public, which its means otherwise indicate. The Report and documents appended are in the possession of the House and may be referred to.

*Extracts from the Official Correspondence of W. L. Mackenzie, Esquire, Member of the House of Assembly, for the County of York, late Agent in London for Twenty-four thousand five hundred inhabitants of Upper Canada, Petitioners to His Majesty for a Redress of Grievances; with other Documents.*

## No. 65.

### MINUTE OF COMMITTEE.

York, Upper Canada, March 31, 1832.

The Central Committee of the Friends of Civil and Religious Liberty met this day.

Mr. LESLIE was called to the Chair.



The Committee agreed to the following resolution :—

*Resolved*, That William Lyon Mackenzie, Esquire, a Member of this Committee, is hereby authorised to act as an Agent in London, on behalf of the Petitioners to the House of Commons whose petitions were entrusted to George Ryerson, Esquire, and that he be required to afford such assistance to Mr. Ryerson as may be in his power until the prayer of the said petitions be granted.

Attested.

(L. S.) JAMES LESSLIE, *Chairman*.

(L. S.) MATTHEW WALTON, *Secretary*.

## No. 66.

### CERTIFICATE.

At a Meeting of the York General Committee, appointed by the inhabitants of the Town and Township of York, on the 16th day of July last, (and approved by fifty-eight Township and County Meetings afterwards, convened in other parts of the Province of Upper Canada) held this day, William Lyon Mackenzie, Esquire, a Member of the House of Assembly, representing the County of York, and a Member of this Committee, was appointed an Agent to proceed to London on behalf of the petitioners to His Majesty, whose Addresses were entrusted to this Committee, and to support the allegations therein contained by his evidence, if required.

Dated at York in the Province of Upper Canada, March 31st, 1832.

(L. S.) WM. CAWTHRA,  
*Chairman of Committee.*

(L. S.) JNO. E. TIMS,  
*Secretary.*

## No 67.

We certify that at a general Meeting of the Inhabitants of the Home and neighboring Districts, held at York on the nineteenth day of January last, William Lyon Mackenzie, Esq. member of the House of Assembly for the County of York, was appointed Agent to carry to London an Address to His Majesty, and a Petition to the House of Commons of Great Britain, that day adopted, and to support the statements and prayers therein contained by evidence.

[L. S.] JOHN McINTOSH,  
*Chairman of the Meeting.*

[L. S.] T. D. MORRISON,  
*Secretary.*

Dated at York, in the Province of Upper Canada, March 31st, 1832.

THIS INDENTURE made on the fourth day of February, in the year of our Lord one thousand eight hundred and thirty two, and in the second year of the reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith:—Between Charles Thompson of the township of York, in the County of York, Yeoman; James Hogg, of the same place, Miller; Charles McIntosh, of the same place, Mariner; John Montgomery of the same place, Inkeeper; and Matthew Walton of the town of York, in the township and county aforesaid, Wheelright, Freeholders of the County of York, of the one part, and John G. Spragge, Esquire, Returning Officer of the said County of York of the other part:—Witnesseth, that in pursuance of His Majesty's Writ, bearing date the tenth day of January, in the year of our Lord, one thousand eight hundred and thirty two, at York, in the Province aforesaid, after Proclamation thereof made, on the thirtieth day of January, in the year aforesaid, according to the tenor of the said Writ. WE, the said Charles Thompson, James Hogg, Charles McIntosh, John Montgomery, and Matthew Walton, Freeholders of the said County of York, have chosen William Lyon Mackenzie, Esquire, to be Member or Representative in the Assembly, to be holden on the seventh day of March now next ensuing, at York, in the Province aforesaid, and by these presents have given, and do give, unto the said William Lyon Mackenzie, Esquire, full and sufficient power for us and the commonalty of the said County, to do and consent to those things, which then and there, by the favor of God, shall happen to be ordained by the Common Council of our said Province.

IN WITNESS WHEREOF, the parties to these presents, have interchangeably set their hands and seals the day and year first above written.

CHARLES THOMPSON,	[L. S.]
JAMES HOGG,	[L. S.]
CHARLES MCINTOSH,	[L. S.]
JOHN MONTGOMERY,	[L. S.]
MATTHEW WALTON,	[L. S.]
JOHN G. SPRAGGE,	[L. S.]

Signed, Sealed and delived in presence of

JAMES DOYLE,  
J. H. PRICE.

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No. 63.—A.

*To W. L. Mackenzie, Esquire.*

SIR :

My Father being prevented by pressure of business from answering yours' of the 14th inst. has directed me to inform you that he will feel very happy to see you at any time it may suit

you to call upon him, as he takes the greatest interest in every thing relating to Upper Canada, and would do all in his power to be useful in the furtherance of its interests.

I remain

Sir,

Your obedient  
Humble Servant,

MORGAN O'CONNELL

4, Parliament Street, }

Wednesday, 20th June. }

No. 69.

*A reply to Mr. Mackenzie's application for an interview with  
Lord Goderich.*

DOWNING STREET, }

23d June, 1832. }

SIR:

I am directed by Viscount Goderich to acknowledge the receipt of your letter of the 13th instant, and to inform you, that his Lordship will be ready to receive yourself and the other gentlemen for whom you request an audience on Wednesday the 27th instant, at half past twelve o'clock.\*

His Lordship at the same time directs me to inform you that he is not aware to what letters and petitions you refer, as having been transmitted by you to this office and not acknowledged: He is unable to find any communications which have not received all due attention. I am further to observe that although Lord Goderich is ready to hear any observations you may have to offer upon the affairs of Upper Canada, as an individual interested in the welfare of that Province, and as a Member of the Assembly, he cannot recognize you as being deputed to act for any other persons, nor can he enter into any discussion with you upon the measures which His Majesty's Government may think it right to pursue. The views and intentions of His Majesty's Government with respect to the affairs of the Province, can only be made known to the people of Upper Canada through the medium of the Governor or of the Legislature; it is to one or other of these authorities that any complaints which individuals may have occasion to make should properly be addressed; and if the course pursued by the Executive Government should be such as to give

\* They were Messrs. Hume, Viger, and George Ryerson.

just ground for dissatisfaction, the Inhabitants have, by their Representatives, the means of bringing their grievances under the immediate attention of His Majesty.

I have the honor to be

Sir,

Your most obedient

Humble servant.

HOWICK

W. L. MACKENZIE, Esq. }  
16, Great Smith Street. }  
Westminster.

No. 70.

DOWNING STREET, 29th June, 1832.

SIR,

I have had the honor of receiving, and laying before Viscount Goderich your letter of the 26th, and I am directed by his Lordship to observe that you do not appear to have quite correctly understood my letter of the 23d.

That letter does not as you seemed to have supposed "shut the door of the Colonial Office, on all that vast mass of facts which you have offered to submit as deputed in behalf of the unrepresented land owners, and inhabitants of Upper Canada." On the contrary Lord Goderich has expressly stated his perfect readiness to have any facts or observations which you may think it necessary to bring under his consideration, he only declines, as you have no authority from any recognized body, to enter into any official discussion with you upon the public affairs of the Colony, or to admit that you are the organ of those whom you term the unrepresented land owners and inhabitants of Upper Canada.

Lord Goderich cannot form his judgment as to the wishes and opinions of the people of Upper Canada from the unauthorised statements of individuals in opposition to those of the Assembly in which he is convinced that all classes of the inhabitants are fairly represented.

With reference to the petition of Mr. Morrison to which you refer, I am directed to observe that your letter upon that subject was duly attended to, (altho' according to the rules of the office it ought to have been sent thro' the Governor.) A despatch was written to Sir John Colborne on the 8th September 1831, in which he was directed to allow that gentleman the land he had formerly been promised.

Mr. Balfour has laid before Lord Goderich your letter of yesterday, in consequence of which I am directed to say that his Lordship will be ready to receive you with the gentlemen you mention, on Monday at two o'clock.

I am, Sir, your obedient servant,

HOWICK.

To Wm L. Mackenzie, Esq. &c. &c. &c

COLONIAL OFFICE, *July 26th 1832.*

SIR,

Lord Goderich has desired me to acknowledge the receipt of your papers, and I have the honor to inform you that his Lordship regrets he cannot appoint an earlier day than Friday the 3d of August, on that day however, at 2 o'clock he will be glad to see you at this office.

I have the honor to be Sir,  
Your most obedient humble servant,

CHARLES DOUGLASS.

W. L. MACKENZIE, Esq. 19 Wake- }  
field-Street, Brunswick Square. }

DOWNING STREET *15th August, 1832.*

GENTLEMEN,

I have the honor to acknowledge the receipt of your letter of the 8th inst. enclosing "The humble address of the "inhabitants of the District of Niagara in the Province of Upper "Canada, framed pursuant to resolutions passed at a general meet- "ing of the Freeholders, called by the Sheriff and duly convened in "the District Court House in the Town of Niagara, on Saturday "the 31st. day of March 1832" and to acquaint you that I have laid the same before His Majesty.;

I have the honor to be gentlemen,  
Your most obedient servant,

GODERICII.

To JOSEPH HUME, D. B. VIGER, AND }  
WM. L. MACKENZIE, Esquires. &c. &c. }

• No. 71.

*Reply to an application for copies of Memoirs addressed to the Colo-  
nial Office.*

Lord Howick presents his compliments to Mr. Mackenzie, and in compliance with his request, herewith returns the accompanying papers forwarded to the Colonial Department by Mr. Mackenzie on the 25th July and 3d inst., in order that he may retain copies of them

DOWNING STREET, *14th August, 1832.*

To WM. L. MACKENZIE, Esquire.

No. 72.

*Downing-Street, 8th September, 1832.*

SIR,

I am directed by Viscount Goderich to acknowledge the receipt of your letters of the 27th August and 5th September. In answer to these communications I have to inform you, that the other addresses as well as that from the Niagara District have, in the usual manner, been laid before His Majesty, and you are at liberty to state this fact to the persons by whom they have been signed without receiving a separate answer to each.

With respect to the War Losses and the state of the representation although, of course, he can enter into no discussion with any private individual on such subjects, Lord Goderich is willing to receive and to pay such attention as they may appear to require to any further written statements you may think fit to submit to him, if you have any thing to offer which can only be verbally communicated, His Lordship will not refuse on his return to town to afford you such opportunities of addressing him as his other avocations will allow.

Mr. Thomas Appleton's petition having been received unaccompanied by any acknowledgment from the Lieutenant Governor, it was sent to Sir John Colborne by the July mail, with directions to return it to Mr. Appleton with a copy of Lord Goderich's circular letter of 2d May, 1831. You did not even allude to Mr. Appleton's petition in your letter of the 13th of June, nor for some weeks subsequently, and Lord Goderich, therefore, presumed that it had been forwarded by the individual himself direct from Upper Canada.

On the subject of the papers which you request to have returned, Lord Goderich directs me to observe, that it is the practice of this office to retain for the purpose of reference all papers which are enclosed in letters addressed to the Secretary of State, and that a departure from this rule might lead to the greatest inconvenience. As, however, you appear to have been ignorant of this being the case, and in consideration of the nature of some of the papers you are anxious to recover, Lord Goderich has directed them to be returned, but he thinks it necessary that you should be distinctly warned that such an indulgence will not again be extended to you, and that all papers you may, in future, transmit to him, will be deposited in this office as public documents.

With respect to the mode of transmitting petitions to this country, Lord Goderich is not aware in what manner he can render more explicit the information you have already received. You have been told that the letters enclosed in mine

of the 13th ult. were sent by a mistake of the clerk by whom that letter was put up, and it has been pointed out to you that my letter of the 13th August distinctly refers to one enclosure only.

Lord Goderich does not feel himself at liberty to make any application to his Grace the Postmaster-General on the subject of the petition which has been sent to you. The inhabitants of Upper Canada have a secure and easy mode of transmitting their complaints to the Throne, by the regular official channels, and permission could not, without much risque of abuse, be granted to individuals acting in no public capacity to receive packets free of postage.

I am, Sir,

Your most obedient Servant,

HOWICK.

To WM. L. MACKENZIE, Esquire.

No. 73.

COLONIAL OFFICE, }  
 Tuesday 26th. }

SIR,

I am desired by Lord Goderich to propose to you to call here on Saturday next at two, instead of tomorrow at half past twelve, as the House of Lords meet at one o'clock to send up an Address to His Majesty.

I am, Sir,

Your Humble Servant,

B. J. BALFOUR.

To

W. L. MACKENZIE, Esquire,  
 &c. &c.

No. 74.

COLONIAL OFFICE, }  
 November 2d, Tuesday. }

SIR,

Lord Goderich has desired me to express his regret that the pressure of business should have prevented him seeing you since his return to Town. He now begs leave to propose one o'clock on Tuesday next at this office for the interview which you desire.

I am, Sir,

Your Obedient Servant,

B. J. BALFOUR.

W. L. MACKENZIE, Esquire.  
 &c. &c.

## No. 75.

COLONIAL OFFICE, }  
November 5th. }

Lord Goderich presents his compliments to Mr. Mackenzie, he finds himself obliged to change the proposed hour for interview tomorrow, to twelve o'clock, instead of one; which he hopes will not be inconvenient to Mr. Mackenzie.

WM. L. MACKENZIE, Esquire.

## No. 76.

COLONIAL OFFICE, }  
November 6th. }

Lord Goderich is sorry to be again obliged to put Mr. Mackenzie off, he has now to propose twelve o'clock on Wednesday instead of twelve tomorrow.

To WM. L. MACKENZIE, Esquire.

## MEMORANDUM.

On Wednesday the 7th of November 1832, I had the honour of a very long interview with the Secretary of State, and on the day following the despatch was written, which is an answer in part to my representations.

1st Jan. 1835.

WM. L. MACKENZIE.

## No. 77.

*Selections from Mr. Mackenzie's Official Letters to Lord Viscount Goderich, His Majesty's Principal Secretary of State for the Colonies, transmitted by His Majesty's Government to His Excellency Sir John Colborne, K. C. B. for publication in Upper Canada, and by him laid before the House of Assembly, together with the Despatch of the 8th of November, 1832.*

- A.—The Legislative Council.
- B.—Do. Do.
- C.—The Bank Influence.
- D.—Education.
- E.—State Churches—Clergy in U. C.
- F.—Government patronage, L. C.
- G.—Evidence of Colonial Misrule.
- H.—Colonial Officers.
- I.—Justices of the Peace.



ALSO,

**K.**—Trade of the Canadas.**L.**—The Land Granting System.**A.**

*From a Memoir addressed to the Secretary of State; received at the Colonial Office on the 25th of July, 1832, and enregistered there, as "2888, Upper Canada."*

### The Legislative Council.

The organization of the Legislative Council (the effects of which I am also desirous fully to detail in a separate paper,) is such as to deprive that Honorable Body of even the appearance of independence in its proceedings. Its chief purpose, at present, appears to be the introduction of unpopular measures into the Colonial Legislature, and the shielding, in as great degree as possibly may be, the several Colonial Governors, from that unpopularity, blame and reproach, which would be their portion if it fell to their lot, (as it annually does to the lot of the Councils Legislative of their nomination and choice) to negative and put down measures originating in the Assembly, of a character greatly desired by the whole body of the people.

Hitherto, the Houses of Assembly have scarcely excited even a momentary attention in this Country when they forwarded complaints: for as it appears to me, by observation, there is so much domestic business of a very important character to be transacted, that it is found impossible for His Majesty's Ministers to spare the time necessary to a full understanding of the state of society in Upper Canada. The Legislative Council, therefore, has been enabled to render what I would call *useful Legislation* upon measures of great and general interest (during the last 12 years at least, as may be seen by a reference to the Journals,) *abortive*.

The Government has annually supplied itself with the revenues of the Province, utterly disregarding every resolution of the Assembly in the 10th Parliament, to correct the evil. Information even as to the objects to which their (the people's) money is applied, is annually refused in respect to a great part of the funds of the Colony, by the Colonial Governors, to unanimous addresses of successive Assemblies (See Journals of 1829, 1830, and 1831) the Royal Instructions being the plea of such refusals.

**B.**

*From a memoir addressed to the Secretary of State for the Colonies; received at the Colonial Office July 25th, 1832 enregistered there, and numbered "2889, Upper Canada."*

### The Legislative Council.

A change in the Legislative Council, its system, is asked  
 ASSEM. No. 21. F2

for only from a conviction generally entertained that, as very little harmony is found to prevail between the present imperfect representative system and the Council, (as may be seen by the Legislative Council's Journals of last session, 1832, 1830, 1829, 1828, 1827, &c.) a true representation would but widen the breach unless indeed the Council would yield to the clearly expressed sense of the country in a greater degree than it now does—and I admit that before any change is made in the Constitution, the trial ought to be made and the sense of the Province ascertained in the most unequivocal manner.

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### C.

#### The Bank Influence.

[FROM the appendix to a memoir received at the Colonial Office, July 25th, 1832, and enregistered No. "2888, Upper Canada.]

"The Government and its officers" have the Bank under their control and direct its vast powers at their pleasure. It is not necessary for me to assume it as a fact that they use these powers (one of which is to loan millions yearly of paper for which they are not individually responsible to the Bill holder) for the purpose of rewarding political partizans, the history of all political parties in such a government as that of Upper Canada, will enable the reader to draw a proper inference. The Bank has agents in the several Districts who are believed to be in the receipt of large incomes drawn from the agencies.—They are usually found among the most active partizans of those in authority. In the year 1830, the Assembly appointed a committee on the currency, with powers to enquire into the management of the Bank, which had solicited an extension of its stock, I was Chairman of that Committee & reported certain resolutions for information desired from the Bank. The House by an unanimous vote sustained the resolutions, and the Bank refused the information\* contrary to the terms of its charter, for which see pages 263 and 322 of the revised statutes. The dissolution of that Parliament together with my expulsion from the succeeding one, enabled the Bank to obtain its charter without disclosing the general condition of its affairs to the body which granted it a large additional share of the powers of the government. The report of the majority of the committee appointed by the House of Representatives of

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\* See Assemblies Journals 1830, Reports on the state of the currency, 1st and 2nd. In the Appendix.

the United States to examine into the proceedings of the Directors of the United States Bank before renewing its charter, and made this year to Congress by Mr. Clayton, shews that members of Congress and editors of public journals had been tampered with, and the press subsidized to a very great extent, and that the whole Board of Directors had been parties to this undue influence exercised. If these things are in a government like the United States, where there is a great responsibility to public opinion acknowledged by public men, what may not be presumed in a secret institution like the Upper Canada Bank in the hands of the politicians? If a capitalists monied interest can succeed in influencing representation and the press, that representation will become more and more its instrument and a bandage over the eyes of the public, "the powerful, and, in the hands of a bad administration, the irresistible and corrupting influence (observes Mr. McDuffie, the chairman on the ways and means, in his report to the House of Representatives of the United States, 1830) which a Government Bank would exercise over the elections of the country, constitutes an objection more imposing than all others united. No matter by what means an administration might get into power, with such a tremendous engine in their hands, it would be almost impossible to displace them without some miraculous dispensation of providence."

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[From a memoir enregistered in the Colonial Office, as "2888, Upper Canada, 1832."]

## D.

### Education.

The establishing places of learning for the children of persons holding situations under the local government, and a few other wealthy or influential individuals, at great public cost, but placed beyond the controul of public opinion, and from which the sons of the yeomanry derive no benefit or advantage, while the exceedingly numerous and very reasonable petitions of that yeomanry for public support to the all important cause of general education throughout the colony are steadily resisted by persons in authority, in and out of the Assembly, and even declared to be unnecessary in the present state of the public finance,† has the effect of preventing that steady in-

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† See Mr. Robinson's Report on Mr. Osgood's Pcton, Assembly's Journals.

crease of capable men fit for jurors, for township and county officers, and for the halls of Legislation, whose feelings and interests would be the most closely united and identified with the welfare, the happiness, the general prosperity of their native country, and whose minds would (under a better order of things) become fitted for the correct transaction of the public business of the colony by previous observation, study, and contemplation. [The existing system raises up and multiplies greatly in the colony the friends and supporters of arbitrary and exclusive principles and institutions.] I am desirous of making general education the subject of a separate communication—[See also the Report of the Select Committee of the House of Assembly on Education, Journal Assembly, 1829—Appendix].

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### E.

[FROM THE SAME.]

#### State Churches—Clergymen in the Council.

The just and necessary influence of the Assembly is weakened by the government taking the money of the people of England and Canada, and in opposition to the continual remonstrances of the inhabitants, sending forth the priesthood of three separate and distinct churches, salaried by the state, to teach and preach the most opposite and conflicting religious doctrines *at the public expense*. These preachers are taught to meddle in the political quarrels of factions and parties by their leaders being accommodated with seats in the political councils of the state; a bench of spiritual Peers of conflicting creeds; Bishops and Archdeacons, legislating for British North America, in the 19th century! It is generally believed that the Orange Lodges and the disputes engendered between the Irish emigrants of different persuasions would never have been revived in the colony but for the policy of the government to keep in pay a political priesthood of the most discordant materials, the clergy of the minority too—in order to *regulate* public opinion.

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### F.

(FROM THE SAME MEMOIR.)

*Difficulties in Lower Canada relative to Government patronage, influencing the actions of the House of Assembly.*

Lower Canada did not, like the Upper Province, adopt the English law as a rule of decision in all cases of contro-

versy concerning the people's civil rights; accordingly we find its Legislature attempting to remedy the evil so far as relates to the purity of Elections, by introducing and passing Bills, which, it would appear, this Government disapproved of, (though the Law of England) is applied to Lower Canada, for the late Administration had either advised the King to withhold the Royal Sanction, or else they had declined to advise his giving his assent. In the Session of 1831, Mr. Neilson introduced in the Assembly the two following resolutions, which were adopted without material variation by the House:—

First “That until such time as the Royal Assent shall be given to a Bill conformable to the resolution of this House of the 17th March, 1825, for vacating the seats of Members accepting offices, and similar to the bills passed by this House in the years 1825, 1827, 1828 and 1830, the second and fourth of which were reserved for the signification of His Majesty's pleasure, the seat of any Member of this House who shall accept of any office or place of profit under the Crown in this province, or become accountable for any public money raised within this Province, shall, by this acceptance, be deemed by this House to be vacant, and a new writ shall be issued for a new election, as if such person so accepting was naturally dead; nevertheless such person shall be capable of being again re-elected, and of sitting and voting in this House, as if his seat had not been vacated as aforesaid.”

Second, “That any Member of this House, sitting and voting therein after such acceptance, without such re-election, be expelled the House.”

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### G.

(FROM THE SAME MEMOIR.)

2,888, Upper Canada, 1832.

*Some few evidences of colonial misrule and of the neglect which His Majesty's late Government and the Lieutenant Governors appointed under them have treated the efforts made by the ninth and tenth Parliaments to give effect to the opinions of the landowners of the colony:*

1st. The Local Legislature (in Assembly) resolved, that the annual appropriation of £10,825 derived from sales of land was improvidently misapplied. (See their Journal, page 67, 1829.) *The abuse was continued.*

2d. They resolved, (see same page) that the Local Govern

ment had abused the application of the fund granted for the administration of justice. No remedy was provided.

3d. They resolved (page 68) that the loyalty and attachment of the people to His Majesty's person and government, would, if possible, be strengthened by leaving them with their local legislature and the executive to their own internal concerns, and by discountenancing all private and injurious representations made for the purpose of counteracting the best directed exertions for the correction of public abuses; which private and injurious representations have hitherto been too successfully made to promote misrule and protect the authors of it.

The valuable series of resolves from which these are taken, were communicated to the Lieutenant Governor; doubtless his instructions prevented him from attending to them, **NOR WERE THEY ATTENDED TO HERE.**

On the 4th day of January last, the Legislature of the state of New-York assembled at Albany: Mr. Throop sent them a message, from which I will make but one short extract. Since witnessing the means taken by His Majesty's Government to reform abuses in the representation here, I have indulged the expectation very shortly to see the same language held by a British Governor in Upper Canada to a fairly chosen Legislative Assembly. It would, indeed, be the true, the abiding interest of this great nation, so to speak to the freemen of Upper Canada; for it would promote the public good.

Mr. Throop's remarks were as follow: "The wealth, the trade, the external pomp of a nation do not always indicate a happy condition of the people who compose it. Through the perversions by man of the blessings which a kind Providence designs for all his reasonable creatures, we sometimes witness the incongruity of great apparent national prosperity, while a large proportion of the population deprived of every comfort are absorbed in the cares of procuring the means to sustain life. It is not so with us.— *Here national prosperity is the prosperity of every individual; not a cent is contributed by way of tax, not a dollar is expended from the public coffers which is not assented to by the people, and employed to enlarge their means of enjoyment.*"

In Upper Canada, as this report abundantly shows, the opinions of the people are as much unrepresented in the present Parliament as they were fourteen years ago when the Gag-law passed, making it a crime for them to meet and complain. With us in Canada, "national prosperity" is the prosperity of "the few," the poverty of the many. Such remarks are unpleasant, but it is here where relief can be had that they ought to be made.

4th. The ninth Parliament sent an address to the King on the subject of the Post Office Department—and addressed the Lieutenant Governor, requesting him to forward it to London. (See Journal of Assembly, 1825-6, pages 58, 69, and 113). To this day, I believe, it remains unanswered, and when I was chairman of the Post Office Committee of Enquiry, I could not obtain from the Postmaster General's Deputy at Quebec, any information of the revenue raised in the Colony. That functionary however continues to tax every newspaper that passes through the Post Office in the two Canadas, a penny each, which, besides his salary, he puts in his pocket as a perquisite of office. The removal of this odious and evidently useless impost, authorized by no law, would have been the work but of a moment, but all the remonstrances of all the presses and Legislatures of Upper and Lower Canada have weighed as nothing, thus far, when placed against an ancient and venerable abuse from which a colonial officer derives great revenue, the tax being paid at the expense, in many cases, of that sum which would have assisted in giving the rudiments of education to a son or daughter of a settler.

5th. In the report of a select committee of the Assembly on the attempts made to disgrace Captain Matthews, (which report was received by the House in opposition to the Government influence and ordered to be printed, as also entered again on the body of the Journal for 1828) the Colonial system as seen in Upper Canada is thus described :

“ If every effervescence of feeling upon every jovial or innocent occasion is, in these Provinces to be magnified into crime by the testimony of secret informers. If there can longer exist a political inquisition which shall scan the motives of every faithful servant of the public. If the authorities in Canada shall humble the independence of the Legislature by scandalizing its members and causing them to be ordered to Quebec and thence to England, to sustain a fate which under such corroboration as Lord Dalhousie received, might cover them with ignominy, or bring them, however innocent, to the block; or if the members of our community shall be awed into political subserviency by the fear of oppression, or lured by the corrupt hope of participating guilty favors; then indeed will the prospect before us lower, and this fine Province become a distant appendage of a mighty empire, ruled by a few aspiring men with the scourge of power.”\*

6th. Another extract will serve to show how little influence the House had with the Government here, and in Canada, when it presumed to censure :

A Mr. Forsyth complained to the House of misconduct in the Crown Officers and of other grievances, including a

\* See Assembly's Journal, 1828, page 122; and do. do. for 1826-7, pages 31 and 68, and Appendix P.

charge against Captain Philpotts of the Royal Engineers, of violent conduct as a military officer in a case mentioned.

The House appointed a committee of enquiry, of which Mr. Rolph was the chairman; and the report of that committee (which censured † Captain Philpotts and the local Government) was referred back to the committee, additional evidence taken, and the whole reported to the House and ordered to be printed. On another of Mr. Forsyth's petitions, a ‡ select committee unanimously reported, among other things, that "it appeared to them upon examination that some of the most daring outrages against the peace of the community have passed unprosecuted, and that the persons guilty, have, from their connexions in high life, been promoted to the most important offices of trust, honor and emolument in the local Government. It appears that the Crown Officers, who exercise an exclusive right to conduct criminal prosecutions at the Courts of Oyer and Terminer and General Gaol Delivery, are in the habit, even in the first instance, of being retained and taking an active part in the defence of the civil action for the wrong, by which it is inevitable that prosecutors will be discouraged to apply to them for professional aid, and justice therefore, in many cases, fail, unless the rights of prosecutors and of the Bar are asserted and upheld, as in England. From the testimony given, your Committee do not hesitate to come to that conclusion, in which they are supported by the testimony of the Honorable Mr. Justice Willis, and nearly all the witnesses examined." The reports and evidence are printed in the appendix in the Journal of 1828; but they only afforded additional proof of the utter powerlessness of the House to do aught relative to public wrongs except to complain of them, to the personal injury perhaps of many members who might act thus independently. *So it was in the present instance.*

Of this Report the accused took no public notice, but the

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† Not long since arrived from the colony of Upper Canada.

‡ I caused the Reports of these Committees to be published and commented in the severest terms upon the affair of Capt. Philpotts and the Crown Officers, insomuch that the grand jury presented me for libel—(that is to say, the Government *intended* to prosecute) but no inducement could prevail upon the present Chief Justice, then first Crown Officer, to let the matter go to trial, and it never was tried. The late Surveyor General, when asked to attend and give evidence at the House of Assembly, said he must first obtain the Governor's leave, as an executive officer, and the Legislative Council's permission, as a legislator; and so fearful must Colonels Givins and Coffin have been of implicating those in authority, that they chose to go to jail, for contempt, rather than give their testimony before the Committee of Enquiry into Capt. Philpott's case; so they remained in jail till after the prorogation.



then Attorney General addressed a secret communication to the Lieutenant Governor, for the Colonial Department, which it duly reached, in which he *thus* characterized some of the most distinguished Members of the House, his fellow Representatives. "If a preference is felt for the system in use there, [in England,] I have never heard it expressed by any persons, and that it is decidedly my belief, with very good means of observation, that whatever prejudices may in time be excited, any dissatisfaction with the present system of conducting criminal prosecutions, in the Courts of Oyer and Terminer, is at present confined to a very few individuals in the Assembly, whose opposition to every arrangement and institution of the Government is very indiscriminating."

This communication was made, as I have before stated, *in secret*—it was never intended to be made known to the persons attacked. They had no opportunity to refute the calumny: and, at first, when interrogated by a Committee of the Assembly, Mr. Robinson declined to avow the authorship, considering the document from which it had been taken, secret and confidential.\* It was, however, soon after made public. The charge it contained was of a most serious nature; it was that of an unprincipled opposition to all the measures and institutions of the Government. "Mr. Robinson might as well have secretly charged his brother members with having been combined in a traitorous conspiracy against the Government under cover of a faithful discharge of their Parliamentary duties. The charge was not offered to the notice of the people among whom the parties lived, where it could be openly and fairly met, but was transmitted to persons at a distance, who could judge of the accusation only from the solemn and confidential manner in which it was preferred, and from the standing and official character of the accuser, who was himself high in their confidence. It was intended to protect his own pocket from the hand of legal retrenchment; and in order to do this, he attempted to prejudice one branch of the government of which he was a confidential servant, against another of which he was a member; as a member of the House of Assembly, he so far forgot and betrayed his duties, as to endeavour by a clandestine unconstitutional exercise of a high and important office, which he held, to prejudice a co-ordinate branch of the government against its measures; at the same time this calumnious representation was made to those who had no business with it. Whether the charge were well or ill founded, the government had nothing to do with it. The individuals charged, were in no ways an-

\* See Assembly's Journals, 1823. Evidence in Appendix.

swerable to the Government. On this account the accusation was as uncalled for as it was unfounded and unjust. The slander was intended to poison the Royal Ear, and to prejudice the mind of His Majesty and His Government against those who most naturally look up to him for protection. It was calculated to defame, in the very quarter where a man of honour would most wish his character to be regarded with esteem and respect."

Except in so far as it afforded Mr. Robinson the private opportunity of traducing the Committee of the Assembly, the Report effected nothing, and a subsequent address to the King on the same subject adopting the opinion of the Committee as that of the Legislature, was answered by the exaltation of Mr. Robinson to the Presidency of the Executive Council of the Colony.

7th. Sir Peregrine Maitland soon dismissed Mr. Justice Willis. Why he did so, the characteristic despatches sent by him to the Colonial Office, and which have since seen the light, will shew. They are specimens of the system of espionage to which many a worthy man in Upper Canada has fallen a victim. Sir P. Maitland appointed the Custom House Officer at the Port of Kingston to a seat on the Bench of Justice in Mr. Willis' room, the other puisne Judge of the Colony having then been recently exalted from the Custom House either of Brockville or Prescott. His Excellency about this time quarrelled with the ninth Parliament, on the Alien Question and other matters, and being very generally disliked through the Colony, was promoted to the important Government of Nova Scotia, carrying with him many affectionate Addresses at parting, containing thousands of signatures. Among the most prominent Acts of the last year of his administration, was his receiving Addresses, in which the House of Assembly was characterized as factious demagogues with an expression of high satisfaction.\* Lord Dalhousie did the same to the most violent declamations against the Assembly of Lower Canada.†

8th. On the 12th of January, 1829, an Address by the House of Assembly, passed in the 10th Parliament to the new Governor, Sir John Colborne, by a vote of 37 to 1, praying against the injurious policy of the Provincial Administration, and lamenting that His Excellency's confidential advisers were persons who had deeply wounded and injured the best interests of the country, in which, (they stated,) the administration of justice had not risen above suspicion.

\* See Files of the Upper Canada Official Gazette.

† See Printed Reports on Grievances with the Evidence, printed by order of the Assembly of Lower Canada (printed 1829). See also Lower Canada Official Gazette.

9th. On the 14th of March of the same year, the House addressed His Majesty, praying that individuals deeply entangled in Provincial politics, might not be called to the Court of King's Bench as its Judges, but that they might be selected from the English Bar; that Mr. Justice Willis, of whose conduct they approved, might be restored to the country. They also enumerated many wrongs in the administration of justice, and assured the King, that it was "from such Courts and such Judges that the people desired to be relieved."\*

His Majesty's Ministers promptly answered their Addresses by selecting one of the Executive Council, who had counselled Mr. Justice Willis' dismissal, to be a Puisne Judge; Mr. Robinson, who had defamed them to be Chief Justice, and Speaker of the Legislative Council. (His whole public life had been one continued attack on popular rights.) His brother, Mr. Peter Robinson, had a new office, at £1,200 a year carved out for him: His relation, the Solicitor General gave the vacant Attorney Generalship. Dr. Strachan had the control for the new College, Glebe Lands, and large grants of valuable public property near York: Mr. Campbell (who had, like Mr. Powell, been placed in the Chief Justiceship, pro tempore,) had a pension of £1,200 sterling, a year, and was knighted; and the other Judge had £1,000; *and in all this the Colonists were never once consulted—their opinion to the contrary was on record.* But in these days the Assembly was not, as now, considered by the Government to speak the sense of the people. Such proceedings were well calculated to disgust spirited and independent men, and prevent them from accepting seats in a body treated with such supreme contempt. However bad the public Officers might have acted, there was no Court of Impeachment nearer than the Privy Council in this capital.

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## H.

Extracts from a Memoir, addressed by special permission, to Lord Viscount Goderich, his Majesty's Principal Secretary of State for the Colonies, received August 3d, 1832, at the Colonial Office, and registered there as "No. 3,019, Upper Canada:—"

### COLONIAL OFFICERS.

Your Lordship has been pleased to convey an assurance to the people of Lower Canada that "if any public officers can be

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\* See Assembly's Journal, 1829, page 69.

named, who are guilty of an abuse of their power, and of remissness in their duties, His Majesty would not be slow in removing such persons from his service," and "that if it can be shewn that the patronage of the Crown has been exercised upon any narrow or exclusive maxims, they cannot be too entirely disavowed and abandoned. His Majesty can have no desire that such invidious distinctions should be maintained," a belief that the same principle would be extended to Upper Canada, induced me to become a petitioner for enquiring into the public conduct of that officer, in respect to which, I now, with your Lordship's permission, respectfully submit the following observations:—

The situation of Lieutenant Governor and Commander of the Forces of Upper Canada is one of, perhaps, greater emolument than any other on the Continent of North America, with the exception of the Governorship in Chief of British America and the Presidency of the United States: the salary of the incumbent is £3,000 sterling a-year, besides a share of certain seizures; great patronage; a splendid mansion upheld by the Province; and the income and other advantages attached to the Chief Command of the Troops; while the expenditure in a country, like Canada, where the necessaries, and many of the luxuries of life, are very low in price, is comparatively small.

Whether the acquirement of greater wealth and property, or of personal comfort in a temperate climate with the pleasing task of aiding the establishment of British Freedom in a lovely, a magnificent country, be the objects more immediately in view, the high office of representative of His Majesty in Upper Canada is, in my humble opinion, far preferable to office in London with a salary of £6,000 or even £8,000 a year.—It is equal to the official value of 20,000 acres of the best surveyed public lands in fee-simple. Land which will be worth ten times the estimated selling price, under any Government which can continue to exist in the Colony for any length of time. It may be inferred that an individual thus amply recompensed by the country, and honored by his Sovereign ought to spare no exertion to prove to the colonists that the security of property and civil rights, the improvement of the Province, the economical expenditure of its resources, the redress of real grievances, and the advancement of general education, are objects which may be as fully attained under a Lieutenant of His Majesty, chosen with the advice of a Council, possessing *wise, liberal* and enlarged views, as they would be if the Chief Magistrate were chosen by themselves from among their most respected and tried statesmen, as is the case in the adjoining Republics. What a remarkable contrast is

presented to the eye of the Canadians who compare the last ten years' messages of the Governors of New-York State with the last ten years' speeches of the Lieutenant Governors of Upper Canada. \* \* \* \* \*

The Governor of Upper Canada, if he does his duty has a task requiring a good temper, great forbearance, a freedom from religious prejudices, and a disposition to avoid giving offence to his Majesty's subjects because their views of Government in Church and State may not, in every respect, accord with his own. Above all things, he ought not to estimate a man's loyalty to his King by the degree of respect he manifests for the wealth and worldly power of the church by law established in this part of the island of Great Britain, nor range himself as a controversialist and partizan of the few; overstep the bounds prescribed by the functions of his high office, and wantonly injure the feelings of the many by attacking the ministers of religion, whom they esteem, and whose influence and hearty co-operation is greatly to be desired in many matters connected with the general welfare. He should be a careful observer of the signs of the times, the genius of the people, and the various indications of public opinion: he is placed in a situation to attain much valuable information concerning the effect of the laws regulating trade, commerce and manufactures in Canada, and the adjoining Republic—to judge of the consequences of the present corn-laws in drawing away or preventing Emigration to the opposite shores—to reason and reflect on the probable operation of those changes so much desired by the colonists, both as affecting interests here and interests beyond the Atlantic.—Should difficulties occur on the Continent of Europe of an unforeseen and unexpected nature, and Britain have her hands full, it would be an important point gained to have tranquilized Upper Canada in the first instance, while time remained for that purpose, by doing that justice to the attachment of its people to His Majesty's Government and the British nation, which their patriotism has merited, and would still more fully merit. Send to Upper Canada a Governor accustomed to civil rule, of kindly dispositions, and who will not second the Rev. Doctor Strachan's views for converting the population to the Established Church of this country, and a great advantage will be gained to England and to her colonists. If a more just and equitable policy were pursued towards the colonies, if it were kept in memory by all who seek to preserve the unity of the Empire, that the Canadians however great their interests and inclinations to remain connected for ages to come, with the Parent State, under good government, would suffer far less from an easy separation from Gt. Britain

than would Britain herself, with whom their commerce, in a colonial state, may be greatly augmented, if it were recollected, that although England engrossed three-fourths of the trade of the 13 colonies, now the United States\* before 1796, even interest gave away to patriotism when the colonists of that day thought their free institutions were about to be subverted and their religious privileges interfered with, in such case the results would be more satisfactory than ever can a system supported by wealth and undue influence in the hands of a few, and used to the disadvantage of the community.

In the remarks I am about to make respecting the conduct of Sir John Colborne, I would not be understood to attach much blame to himself individually, but to the system he perhaps willingly followed, but which he must have followed whether with or against his will, in order to remain in Upper Canada as its Chief Magistrate. He came into the country a stranger to the people, their customs and their manners, he found the persons who had guided his predecessor prepared to advise him, he found Dr. Strachan and his colleagues in possession of the wealth, honors, emoluments, influence, and resources of the Province, while the House of Assembly was neglected, and its remonstrances utterly despised; he found that the government was carried on without any supplies, and that the policy of England's rules in those days, was to conciliate the people, be as moderate as possible, but trust the people with nothing, keep them powerless and obedient. Sir Peregrine Maitland had been raised to higher honors after having pursued a most unpopular course in Upper Canada; Dr. Strachan had had offices and grants of land, and dignities conferred on him for standing a firm tho' not very consistent supporter of high church pretensions in a country where very few, even of the few Episcopalians it contains had the least desire for temporal pre-eminence, His Excellency resigned himself entirely to the guidance of those whom the Rev. Dr. could influence at his will, became a firm supporter of established abuses, interfered with the religious privileges of the people, and in a most ungracious and inappropriate moment declared his belief of all the slanders which had been heaped upon the dissenters, outdoing even Dr. Strachan himself in his

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\* A late arret of this Court against the admission of British manufactures produces a great sensation in England. I wish it may produce a disposition there to receive our commerce in all their dominions on advantageous terms. This is the only balm which can heal the wounds that it has received. It is but too true that that country furnished markets for three-fourths of the exports of the eight northernmost States: a truth not proper to be spoken of, but which should influence our proceedings with them. (Jefferson's Memoirs, letter 98, dated Paris, Aug. 1785, and addressed to the late Colonel Munro.)

expressions of aversion and dislike to a numerous and respectable body, the extension of whose influence he deplored while he regretted the small numbers of his own sect. I know no one public individual who has been more carressed, and honored, and promoted to greater wealth, influence and distinction by the British Government than Dr. Strachan; and it is probable Your Lordships will doubt my judgment when I affirm as I now most sincerely do my conviction that the Dr. has (I dare say unintentionally) done more to wean the affections of the people from British rule, and to impress upon their minds (if it were possible) a sense of British injustice, than any other individual now living. He is an Executive Councillor, a Legislative Councillor, President of the College, and member of its Council, a Civil Magistrate, Rector of York, Missionary to the Society for promoting Christian Knowledge, member of the Land Council, President of the Provincial Board of Education, Senior Member of the Boards of Education in Eleven Districts, and a very extensive Land-owner—receiver of the new Glebe Rents, member of the Clergy Corporation, one of the principal proprietors of the Province Bank, and (if my memory serves me) he once sat at the Discounting Board as a Director of that institution, Archdeacon of the Church of England, Doctor in Divinity, a Commissioner under the Heir and Devisee Act for proving letters to Estates, a Trustee of the Royal Institution, and in fact holds more situations than I can call to my remembrance. About 8000 persons petitioned the House of Commons against his misrepresentations while here, the Canada Committee's report exposed them, and successive Houses of Assembly complained of them, as if to shew the Province that the Doctor was of more importance than the opinion of the whole country, new honors were heaped upon him, new grants of the choicest portions of the public Land bestowed on him as an especial mark of the Royal favor, and his rebukes fell with increased weight on the unfortunate Dissenters from his adopted creed when conveyed last September thro' the channel of the King's Lieutenant Governor. For the sake of the peace and prosperity of Canada, I trust the day is not far distant when this Rev. person will be strictly confined to the performance of his functions as a minister of the everlasting Gospel—would a minister of State expect to conciliate the Catholics of Ireland, or to retain the affections of the Catholics of Lower Canada, by honoring the functionaries who shall act towards them as Sir John Colborne and his chief adviser Dr. Strachan have done to the Methodists and other Dissenters in Upper\* Canada?

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\* The following brief but significant commentary on the policy pursued by the government towards the people of Upper Canada, is

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Upper Canada will expect an intelligent active individual as a successor to Sir John Colborne, a Governor who will appear to take a personal interest in the prosperity and improvement of the Colony, and favourably consider those great general measures, the people have so much at heart, but which the Legislative Council constantly reject, such as the amendment of the Jury Laws, a more adequate provision for general Education, an alteration in the Primogeniture Laws, moderate Law Fees, and more satisfactory and efficient regulations for the management of the affairs of Townships by their officers. His success will greatly depend upon himself; at 3,500 miles distance, it will be at all times, easy to evade his instructions, however positive and peremptory, if he possess that fondness for military power, and love of arbitrary authority which Rochefoucault tells us "are in every region of the globe, the usual attributes of such delegated trusts."

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The Assembly in 1829, addressed Sir John Colborne, desiring the removal of Dr. Strachan and his colleagues from the administration, because "they had deeply wounded the feelings and injured the best interests of the country,"\* to which His Excellency answered† that he was convinced "that in many instances the most upright intentions had been discoloured by the medium through which they had been seen" and took no further notice of the subject, although their vote was almost unanimous.

Next year, 1830, they repeated their request, and assured him with scarcely any dissentients‡ that they entertained a settled conviction that the continuance about His Excellency of those advisers who from the unhappy policy they pursued had long deservedly lost the confidence of the country, was highly inexpedient, and calculated seriously to weaken the expectations of the people from the impartial and disinterested justice of His Majesty's Government."

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but one of a hundred I could bring forward to prove that the United States keep a watchful eye upon the progress of events in the colonies. The brief commentary "but the people do not like it" speaks volumes to me. *Education in Upper Canada*, through the favor of the Royal Governors, the Episcopal Clergy seem to be playing the same game in Upper Canada that they did in New York before the revolution, in obtaining possession of all the lands and other perquisites that are appropriated for the purposes of religion or education. They have gained some of the lands appropriated to the support of colleges, and established an institution called King's College, but the people do not like it.—*New York Evangelist*.

\* See Journal, 1827, page 7.

† See Journal, 1829, page 10.

‡ See 11th page Assembly's Journals, 1830.



Sir John Colborne, did not as in the case of the Methodists give his reasons for pursuing a course directly opposed to the public wish, but clung still more closely to the Strachan interest—saw them soon after, more and more engross and monopolise the power of the Colony, and with great brevity replied to the Assembly “Gentlemen, I return you my thanks for your Address.”\*

How different this from his answers to Addresses wherein great and influential bodies of the people under his government are branded as seditious rebels, disaffected, led by demagogues, and so forth.

Few military men make good civil rulers in colonies, under a popular form of government, their previous habits requiring more implicit obedience to their mandates than is consistent with the habits of a free people, especially in America, where every man lives upon his own land, and thence imbibes high notions of liberty and independence.

It is difficult to imagine any motives other than a mistaken notion of what his duty required, *united with bad advice*, previous habits of military life, and an unpopular sentiment in favour of making converts to high church principles, a probable consequence of his education, which could have induced a brave and gallant officer like Sir John Colborne to pursue a line of conduct in Upper Canada so very much opposed to the interests of Britain and Canada, as his has been.

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## I.

### Justices of the Peace.

[From the same.]

The exclusive and excessively unpopular manner in which His Excellency distributes the patronage of the Government is a source of perpetual annoyance to the wealthy and spirited land-owners of the Colony. In the Home District a few officers of the Government with Dr. Dunlop, an officer of a company of speculators in land, here, set as a board of control over the local affairs of the two counties; disposing of the produce of the taxes, judging offences, regulating improvements, constituting courts of general quarter sessions, police magistrates, every thing; while the task of the Farmers is to collect the taxes and pay it (them) into their Treasury, to be, in too many instances, wasted, and seldom fully

\* See page 13th Assembly's Journals, 1830.

accounted for. It might be admitted, even by the most capacious friend of arbitrary power, that it would be but reasonable to give this local power, at least partly, into the hands of the principal land-owners, as justices, and that the Members of the Assembly for the time being, in their districts, would be as fit checks at least as the Legislative Council. His Excellency thinks otherwise; seldom indeed has a popular individual entered the magistracy, nor have Colonial Governors, either in Upper or Lower Canada, forgotten to make such changes as might warn aspirants to, or possessors of, the office of justice of the peace, how necessary it was that their political opinions should agree with the administration. Sometimes the land-owners have prayed for the appointment of certain capable and independent men as justices, but I never once knew an instance of such a petition being listened to.

There are no doubt some few very independent men in the commission of the peace, but in general the justices all over the Colony act with other office-holders and the pensioned or salaried clergy, to uphold the existing system.

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## K.

### Trade of the Canadas.

*From a Memoir addressed to Lord Viscount Goderich, and delivered at the Colonial Office on the 27th of August, 1832, to Mr. Charles Douglass, His Lordship's Private Secretary.*

\* \* \* On the subject matter of this letter I had an interview with his Lordship of about two hours on the 7th of November, 1832.

While the citizens of the United States are enabled to trade freely with the Chinese and are popular with them—while the tea trade is about to be made free of all duties to the people of the Union, the King's subjects in Upper Canada and the other Colonies are made a monopoly of for the benefit of the East India Company, and compelled to pay a dear price for an inferior quality of tea, purchased by the Company at an inferior price in the Chinese market, expressly for the use of Canadians and Nova Scotians, as your Lordship will perceive by the testimony given before the East India Company Committee of the House of Commons in 1830, questions 1234, 1235, 1236, 1237, 1238, 1239.

The profits too, centre in England, in that Company exclusively, and are considerable as is evident by the statements annexed to Mr. Melvill's answer to question 5875. History might have taught England the expediency of adopting another policy. If the principle of 2d a lb. tax on tea was unpopular in Boston, in 1775, it is not likely that a knowledge of the Canadians of the above facts, and that 1s. to 1s. 6d. sterling is paid in profits and taxes in Leadenhall Street on every pound of this inferior tea they consume, will interfere with the views I have ascribed to the American Government.

With regard to trade generally England declines to give the Colonists a monopoly of her markets for their produce, and she declines to permit them to supply themselves with such things as they want from abroad at the cheapest market. At the ports of Liverpool and Glasgow, there is no protecting duty in favor of a cargo of Canadian flour beyond what is allowed to a cargo of flour from the rear of New York, Pennsylvania, Michigan and Ohio, ground on the North bank of the St. Lawrence—while, should the Canadian owner desire to buy tea in China or foreign goods in the Union, he finds a prohibition on the former and heavy protecting British duties against the latter. The Americans carefully exclude the people of Upper Canada from the use of their Canals and grain and produce markets by prohibition duties—while England orders American produce, wheat, flour, beef and pork to be admitted into Canada duty free, for domestic use and exportation. A British Agricultural Emigrant who shall carry his capital and industry to the South shores of the St. Lawrence and great Lakes, will find himself possessed of a free access to the Canadian Market, the British West India Market, the Domestic American Market and the American Markets in Foreign Ports—he may send his grain down the Canal to New York or down the St. Lawrence to Montreal, while the inhabitants of Canada is restricted to Montreal only! The Americans have a virtual monopoly of the supply of the British West India Markets with produce, while the North American Colonists, who profit little by the West India trade, purchase vast quantities of West India produce which the Americans carefully exclude. Can Your Lordship even for one moment suppose that the shrewd and sagacious statesmen of the Union are ignorant of the effects produced on the minds of the Colonists by a system like this? Knowing as they do the internal state of the Colonies and the petty vexations to which they are subjected it is not to be wondered at that they expend very little money in fortifying their Canada frontier. \* \* \* \* \*

## L.

**The Land Granting System.**

[FROM THE SAME.]

Mr. Richards, the Commissioner for enquiry, appointed by Sir George Murray could not learn much of the people's feelings and temper by merely passing through Canada. (I was for years a resident in the Upper Province before I fully comprehended the state of parties.) Mr. Richards, however, in his report to your Lordship, judiciously alludes to "the value to which this beautiful Province (meaning Upper Canada) might have been raised under a more economical management of its land resources." There he is right, but he is in error when he says that the present and late administrations are not to blame. We of Upper Canada well know that a few families have borne sovereignty away in Upper Canada during the last fifteen years—that they in reality are the administration and the Government, and the Judiciary—that they are every thing and the people nothing. If the mismanagement complained of by Mr. Richards, which drove the 29,000 emigrants from Canada in 1827 and 1828, and which wasted the landed sources of the Colony, be a fact, it is also a fact that a few individuals who have been enabled under every government here, to promote their own personal interests at the expense of the freeholders (with those who permitted them) are to blame. But for them Upper Canada would have been twice as populous as it is—but for them the National Debt of Upper Canada would not now have exceeded that of the American Union—but for them and their influence here, the War Losses would long ere now have been paid, and England not asked for a shilling towards the payment. No one directly blames either Your Lordship or Your Noble & Hon'ble Predecessors in this matter. Had any one or two of the Colonial Office Bearers who have made so many voyages between Upper Canada and Downing Street, of late years, in search of pensions, places, offices, and appointments, taken the pains to enlighten Ministers as to the least burthen-some means by which the claims could be liquidated, as their local knowledge of the Colonial Revenues enabled them to do, this Memorial would have been unnecessary.

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 No. 78,

*From the Records of the House of Commons, 1833,*

**Upper Canada.**

Return to an Address of the Honorable the House of Commons, dated 18th July, 1833, for Copy of a Despatch addressed by the Secretary of State for the Colonies, to the Lieutenant

Governor of UPPER CANADA, dated 8th November, 1832, on the subject of Petitions from the people of that Province for the REMOVAL of His Excellency; the DISSOLUTION of the LEGISLATURE, and the remedy of certain alleged GRIEVANCES; and of any ADDRESSES to His Majesty from the Legislative Council or from other Inhabitants of the Province agreed to in consequence of the said Despatch.

JOHN LEFEVRE.

COLONIAL DEPARTMENT, }  
Downing Street, 20th August, '33. }

[Mr. HUME.]

Ordered by the House of Commons to be Printed, 20th August, 1833.

*Copy of a Despatch addressed by the Secretary of State for the Colonies to the Lieutenant Governor of UPPER CANADA, dated 8th November, 1832, on the subject of PETITIONS from the people of that Province, for REMOVAL of His Excellency; the DISSOLUTION of the Legislature, and the remedy of certain alleged GRIEVANCES; and of any ADDRESSES to His Majesty from the Legislative Council, or from other Inhabitants of the Province, agreed to in consequence of the said Despatch.*

SCHEDULE.

697.

- A.—Copy of a Despatch from Viscount Goderich to Major General Sir John Colborne, dated Downing Street, 8th November, 1832.
- B.—Copy of a Despatch from Major General Sir J. Colborne, to Viscount Goderich, dated Upper Canada, 16th February, 1833, enclosing Addresses from Legislative Council and House of Assembly.
- C.—Address to His Majesty from the inhabitants of Lennox & Addington.
- D.—Address to His Majesty from the Inhabitants of Cobourg.

A.

DOWNING STREET, }  
8th November, 1832. }

Duplicate, No. 162.

SIR,

During several months past I have been in occasional communication with Mr. William Mackenzie, upon the subject of the Grievances said to exist in Upper Canada, and for redress of which various petitions have been addressed to His Majesty.

As Mr. Mackenzie has been the bearer of those petitions to this country, I have gladly availed myself of his residence here to obtain such information as it is in his power to give respecting the opinions and wishes of that portion of the inhabitants of the Province by whom he has been deputed to act, and although I have adhered to the general rule of declining to explain the views of His Majesty's Government, on questions of Canadian policy, to any person except the Governor of the Province, I have been anxious to afford Mr. Mackenzie the most ample opportunity of doing justice to the case which he laid before me.

From the voluminous mass of that gentleman's correspondence, I have selected three documents which profess to embody the entire substance of that case as it affects the present condition of Upper Canada: of these documents I have the honor to enclose copies for your information.

I propose in this Despatch to follow Mr. Mackenzie through those parts of his statement respecting the representation of the inhabitants in the House of Assembly, which appear to me essential to the consideration of the practical questions he has undertaken to agitate. But confining myself to what I consider as really relevant, I shall necessarily pass over in silence some details which have been introduced with no perceptible tendency to elucidate the subjects in discussion, and much invective and sarcasm which would have been far more conveniently spared.

It is with no intentional disrespect to Mr. Mackenzie that I remark that he has adopted a style and method of composition singularly ill adapted to bring questions of so much intricacy and importance to a definite issue; but however discursive may be his papers, or however acrimonious their tone, I am not on that account disposed to withhold my attention from any useful suggestions they may contain for the public good.

I am the more induced to devote to this discussion such leisure as I can command, because I am solicitous that the comparatively small body of persons whom Mr. Mackenzie represents should have no reason to think that their complaints had been overborne by the contrary declarations of the much more numerous bodies opposed to them.

Mr. Mackenzie indeed would have himself understood as speaking the sentiments of the entire population of Upper Canada, excepting only a few public functionaries whose interests are opposed to those of the people at large. It is not necessary, however, to have a very long experience of public controversies of this nature to be aware of the levity with which such pretensions are continually advanced upon the slightest and most inadequate ground.

Almost all complaints, the most opposite and contradictory not excepted, which reach this office are nearly as a matter of course, preferred in the name of the collective society: and it becomes necessary to distinguish carefully, in such cases, between mere rhetorical embellishments, and statements made in the cautious and measured tone of truth.

Now, in the present instance, I find that Mr. Mackenzie's views are supported by forty-four petitions, which have been signed on the whole by 12,075 persons.—On the other hand I have before me no less than thirty-three petitions from the different Counties,

Districts, Towns, and Townships of the Province, signed by 26,854 persons, who concur in expressing their cordial satisfaction in those laws and institutions which the other sort of petitioners have impugned. Such a body is far too numerous, and many of the individuals composing it are far too considerable in their station and character to justify the supposition that they can be in a state of dependance on the local government, or controlled by any unworthy influence in their public conduct. I am driven to the dilemma of either supposing this great mass of the people of Upper Canada ignorant or corrupt, or of concluding that a very small minority of the whole population concur in Mr. Mackenzie's views. The former supposition is as improbable as it is offensive.—The latter, however contradictory to Mr. Mackenzie's assertions, is verified by many of the particular facts which he has advanced or admitted; but tho' I conceive this gentleman's constituents to be opposed by the general current of public opinion, I do not in the slightest degree mean to dispute their collective or individual respectability, and there is no class of the Canadian people, however small, nor individual amongst them, however obscure his station, to whose petitions His Majesty does not require that the most exact and respectful attention should be given.

I shall, in the first place, advert to the paper to which Mr. Mackenzie has given the title of "Observations on the state of the representation of the people of Upper Canada, in the Legislature of that Province." In performing this task, however, I must decline to pursue the discussion into those redundant and misplaced details with which Mr. Mackenzie has encumbered it. Thus, for example, I shall pass over in silence whatever is stated respecting the case of Mr. Stuart, the Attorney-General of the adjoining Province, and the state of the borough of William Henry, for the representation of which, in the Assembly, Mr. Stuart was a candidate; neither shall I enquire into the justice of the reproaches with which Mr. Mackenzie assails the conduct of former administrations, both in this kingdom and Upper Canada, upon occasions which have long since passed away, and questions now become wholly obsolete. I can address you only for some practical purpose, nor is there any measure suggested by the Petitioners or their Agent with a view to which, such a retrospect seems to me either necessary or desirable. I must add that if it were fit to review the past history of the Province, it would be impracticable to assume Mr. Mackenzie's paper as the basis of such an enquiry, since it is drawn up in an utter disregard of method, and in such a manner as to render the difficulty of distinguishing between assertion and proof, deliberate statements and the exaggerations permitted to an advocate, almost insuperable. I shall limit myself to the single consideration whether he has brought to light any grievances, for which His Majesty, in the legitimate exercise of the authority or influence of His Government, can be called upon to remedy.

The great object of Mr. Mackenzie's censure is the Election Law, which was passed by the Lieutenant Governor, Council and Assembly of Upper Canada, in the year 1820. I might, perhaps, not without reason, raise a preliminary objection to the discussion of that question at all. If the Election Laws of the Province require amendment, the change must originate not with

the Executive Government, but with the popular branch of the local Legislature. Any interference of the Ministers of the Crown, would be reprobated probably by Mr. Mackenzie himself, and certainly by his brother journalists, as an unconstitutional encroachment. I therefore I advert to the question at all it is because, in the prospect that such a discussion will be provoked by the Petitioners, I think it fit that you should be apprised of the views which His Majesty's Government entertain on this subject, that you may not be destitute of a rule for your guidance in the acceptance or rejection of any bill which may be passed by the Legislative Council and Assembly for the amendment of the Election Laws.

If I have found occasion to lament the redundancies, I cannot less regret the deficiencies of Mr. Mackenzie's documents. He has travelled through this protracted discussion without finding himself called upon to notice, still less to refute the arguments by which it has been usual to vindicate the constitution of the Provincial House of Assembly. Yet it is impossible that he can be ignorant of them, nor credible that he should regard them as deficient, at least in plausibility. An ignorant reader of his papers might be left with the impression that the question was altogether new, and that the existing constitution had never been vindicated on the principles and on the example of the most free and independent governments. How utterly remote this is from the fact is clear to every man whose attention has been given to the affairs of Upper Canada, for the last few years. Mr. Mackenzie has therefore imposed on me the necessity of drawing a general outline of that defence of the law of 1820, which he has passed over in silence, but which is far too important to be disregarded by any fair and impartial inquirer.

It is a fact familiar to all who are conversant with the Legislative-history of North America, either in the United States or in the British possessions that a problem of no light difficulty has continually arisen respecting the distribution of the Elective Franchise amongst the inhabitants resident in different parts of the same State or Province. The surface of the country is generally divided for political purposes into sections of nearly equal areas, but those counties or Townships which are in the immediate vicinity of the capital or which are intersected by great navigable streams, or bounded by lakes, are peopled with far greater rapidity than the more remote Districts. Hence it has frequently happened that a single metropolitan or trading county has contained a population exceeding in wealth and number many newly settled counties of similar dimensions. Accordingly, when capital and numbers have been made the exclusive bases of the representation, one portion of the State or Province has acquired an influence in the Legislature which has reduced to comparative insignificance the weight of all the other divisions of the country. The favoured District has thus been able through its representatives to throw upon the less fortunate sections, a most unequal weight of taxation, and to refuse to them a fair participation in the benefits of the judicial and other institutions, to the support of which the revenue was applied. Local interests have predom-



inated over the general interests, and discontents have been engendered, threatening the stability of the Government and tending to an abrupt severance of one part of the State or Province from the rest.

In the State of Maine, as I am informed, this difficulty was so sensibly felt as to have led to the introduction of the system adopted in Upper Canada in the year 1820. In apportioning the elective franchise among the inhabitants, the Legislature did not confine its attention exclusively to the question of property and of numbers, but introduced a new element into the calculation. They considered that a small number of persons occupying one country might reasonably claim as large a share in the Representation as a much larger and wealthier body occupying another county of equal dimensions. By this method members were drawn from every part of the Province: the local wants of every part were explained, and the interests of each vindicated. In a densely peopled country like Great Britain, possessing such internal communication as to secure the immediate diffusion of intelligence from one end of the kingdom to the other, this precaution might be the less necessary, since no part is so remote or inaccessible as not to be rapidly reached by information of every projected law, or as to be destitute of the means of making an early protest against any measure injurious to its welfare. Yet even in this kingdom, where the subject has within the last two years undergone the most public and rigid scrutiny, no one, so far as I am aware, has seriously advanced the opinion that the Representation of the metropolis should bear to that of the country at large the proportion which the wealth or population of London bears to that of England collectively.

Such a principle would have given to the metropolitan districts between forty and fifty members, a scheme which I need scarcely say would have been rejected by the entire body of the people, as altogether unequal, though resting upon a foundation of the most perfect nominal equality.

It appears, however, to have been perceived by the Upper Canadian Assembly, in the year 1820, that by simply adopting the rule to which I have referred, they might extricate the Province from one difficulty at the expense of another yet more considerable. A county might contain a very inconsiderable body of persons for some time after it was first redeemed from the wilderness, and thus a choice of members might virtually be committed to a very few electors, who might themselves be subject to some unworthy influence. It was therefore required that no county should be represented in the Assembly by a distinct member until the inhabitants numbered one thousand, at least. But with the foresight which is perceptible in every part of this law, it seems to have been perceived that there was considerable danger in leaving any body of new settlers wholly unrepresented; and to obviate that inconvenience, the inhabitants of each county whilst yet below the required number, were authorised to vote in the least populous adjoining county.

Thus without being betrayed into a sacrifice of the substance of good government by a superficial attention to a merely nominal equality, the Legislature of Upper Canada, in the year 1820, justified the confidence reposed in them by the constitution. They were too conversant with the real business of life to suppose that

a great social system could be practically carried on without advancing a little beyond the most obvious and elementary maxims, or that the inevitable intricacy of the public affairs of the Province could be met without some degree of complexity in its political institutions. They therefore embraced in their law provisions for the protection of all classes, however obscure and remote from the notice of the local Government, for the control of that undue influence which mere wealth and density of population would, otherwise, have exercised, and for the gradual enlargement of the representative body as the constituency should itself increase.

I cannot suppose that a gentleman who has taken so active a part in the affairs of the Province as has fallen to the share of Mr. Mackenzie, should have been really unapprised of considerations so familiar to every man acquainted with the subject as these to which I have adverted, though as a controversial writer he may perhaps have not consulted ill for the momentary success of this argument, in suppressing all allusion to them.

I proceed to the next objection which Mr. Mackenzie has made to the Act of 1820, which, in his own language is, that it created a "borough interest." In less invidious terms the fact appears to be that it gave one member to every town in which the Quarter Sessions of the District might be holden, and which contained, at least, one thousand inhabitants. Those towns were, therefore, placed in precisely the same predicament as the counties of the Province.— Now if Mr. Mackenzie's principle, that wealth is the proper criterion, be just, this civic representation was wisely established, for it can scarcely be denied that one thousand persons inhabiting the same town will, generally, be the proprietors of a larger collective capital than a rural population of the same extent. If the principle of numbers be correctly assumed by Mr. Mackenzie, then, also, it follows that the Towns were rightly enfranchised, since it is in the Towns that the most rapid enlargement of population usually takes place, and since if members had been refused to them on the ground of paucity of numbers a similar refusal must have been extended to all the newly settled counties. But I greatly understate the argument. A town possessing a thousand inhabitants will yield a much larger number of actual voters than a county equally populous, supposing the qualification to be, in either case, of equal amount. In the one case the franchise is exercised with the greatest facility, and in the other at an expense of time and labour which, comparatively, few will incur. Nor can I forget that, in every part of the world, civic population is more intelligent & more disposed to watch over public subjects, than a rural population of equal numbers; because the first enjoy the constant advantage of mutual intercourse, and co-operation in public affairs, of which the latter are in a great measure destitute. It is not at all surprising that so enlightened a people as are the great body of the inhabitants of Upper Canada should have expressed in very strong terms their dissent from the views which Mr. Mackenzie thus advocates; or that a people so conspicuous for their zeal for civil liberty should be so decidedly opposed, as by their petitions they appear to be, to plans which would sacrifice its substance to a very superficial theory.

It is further objected that the law of 1820, placed the projected

University in the list of constituent bodies, and from the terms of the charter subsequently issued, it is inferred that the University was to become what is termed "a nomination borough, under the especial patronage of the Church and State." I should scarcely have anticipated that any man, and least of all a man devoted to literary pursuits, would have denied the propriety of giving a representation to the principal seat of learning in the Province. It would be superfluous to expatiate on the importance of institutions for the education of youth in literature, science and religion, especially in a newly settled country, and I am well assured that neither in the Council nor Assembly could a single gentleman be found who would not gladly receive as a colleague a person representing the collective body of literary and scientific men in Upper Canada, or who would not gladly support, by that distinguished honor, the cause of sound learning.

You will observe that I do not here refer to an University constituted in the manner proposed by the original charter of incorporation. Every man in Canada, however, knows, nor could Mr. Mackenzie have been ignorant, that so far from any anxiety having been felt by the King's Government to maintain that charter against the wishes of the great majority of the people, every possible measure has been taken to refer to their representatives the decision of the question, in what form and on what principles the College should be founded. It is indeed Mr. Mackenzie's fortune to be opposed to a large majority of the House of Assembly; but it can scarcely be expected that in deference to any individual, or to the small, though respectable, minority for whom he acts, the King's Government should entertain the slightest distrust of the wisdom or fairness of the resolutions which it may be the pleasure of the Assembly to adopt on this or any other subject.

It is next made the subject of complaint that the law as interpreted by the court of King's Bench entitles the County Members only to wages, and that the efforts of successive houses to ensure a certain degree of pecuniary independence to the new village representation has been rendered ineffectual by the Legislative Council. On what grounds the objections of the Council may rest I am not distinctly apprised. I might indeed conjecture their reason to have been that counties could with difficulty find representatives within themselves on other terms, while towns will always possess commercial and other inhabitants to whom a temporary residence at the seat of government would be attended with no inconvenience. I have no right to interfere with the deliberations of the Council, but I am able to signify to you His Majesty's pleasure that you should not oppose any objection to any law which may be presented for your acceptance, for placing the Town and the County Representatives on the same footing in this respect.

It is made a subject of complaint that in the year 1821, attempts were made first to deprive the land-owners of the honor of assessing themselves to pay their members wages, and secondly to establish the right of voting in persons possessing a license for the occupation of Crown Lands without having actually received a grant, and that the last of these schemes was revived 1827. I

will not pause to investigate the propriety of measures which were never carried beyond an ineffectual attempt. It is enough for me to know that upon subjects strictly within their cognizance, the House of Assembly adopted a decision by which any such projects were frustrated. Whether they are well judged or otherwise the King's Government are not in any sense responsible for them, and the discussion of public affairs would be utterly interminable if every unsuccessful motion made several years ago in either House of the Provincial Legislature, were to be made the subject of censure and inquiry, at any distance of time.

The remark that various religious bodies are excluded from the elective franchise because their members cannot conscientiously take an oath, raises a question which well deserves serious consideration. You will call upon the Law Officers of Upper Canada to report what is the law on this subject. You will have the goodness to acquaint me whether you perceive any practical objections to placing the various denominations of christians mentioned by Mr. Mackenzie on the same footing, in this respect, as the Society of Friends. I shall be happy to introduce a bill into Parliament for amending this part of the Constitutional Act of 1791, unless there should appear to be some difficulty in that measure which does not occur to me at present.

Mr. Mackenzie then objects to the law which requires that every member of the House of Assembly should possess an unincumbered estate in land assessed at £80 or upwards. This regulation he attributes to the Officers of the Government. On what grounds they are entitled to the credit, or responsible for the discredit of having originated this law, does not appear, nor does that question seem to myself of much importance. I will not digress into the discussion of the great general principle involved in this enactment. Should any bill for the amendment of it be reserved for His Majesty's consideration, I can only state, that the most careful attention will be bestowed upon the subject.

It is, however, not to be overlooked, that the Government are said to have retained in their own hands the possession of all the unclaimed territory, that they might thus avail themselves of the last mentioned law, and qualify a favorite whenever it might be deemed expedient. I might, perhaps, not unreasonably express my surprise that Mr. Mackenzie, acting as the delegate of so many persons in Canada, should have passed over in silence the fact that His Majesty had been graciously pleased, upon my humble advice, to interdict the gratuitous disposal of the Crown Lands, and to render them all the subject of public competition, to the utter exclusion of any such favoritism as is thus deprecated.

If the law which disqualifies any British subjects from voting at elections till the expiration of seven years after their return from a residence in a foreign country, be still in force, I subscribe to Mr. Mackenzie's opinion, that it cannot be too soon repealed; and you will adopt all constitutional means in your power for promoting the repeal of it. On this subject I concur in Mr. Mackenzie's reasoning, however much I may be disposed to think that the weight of his arguments would have been enhanced had he confined himself to the use of language more in accordance with the ordinary tone of official communications than that which he has chosen to employ.

I must entirely decline, as perfectly irrelevant to any practical question, the enquiry whether at a comparatively remote period, prosecutions against the Editors of newspapers were improperly instituted or not. It is needless to look beyond Mr. Mackenzie's journal to be convinced that there is no latitude which the most ardent lover of free discussion ever claimed for such writers, which is not enjoyed with perfect impunity in Upper Canada.

The law of 1818, which prohibited public meetings, is again made a subject of remonstrance, although it was repealed two years afterwards. To what end such complaints are preferred, I am wholly at a loss to surmise. Yet it is not unimportant to remark, that the Assembly which repealed this Statute was, if I mistake not, the same which enacted the election law, and that the zeal which they avowedly exhibited for the liberties of the people in the one case, is scarcely consistent with the imputations made by Mr. Mackenzie against their motives in the other.

It is not a little singular that in the present year I should receive a lengthened repetition of the complaints upon the alien question, which came before me in the year 1827, when I formerly held the seals of this department. Mr. Mackenzie describes the instructions which I then issued "as just and equitable," and as having "removed one grand cause of discontent." I do not feel therefore, that after the adoption of a measure so characterized, I can be again required to enter upon a detail of the very grievances for which it is admitted that an effectual remedy has been provided.

In following the order adopted by Mr. Mackenzie, I next reach a statement that the local government encourage dependent persons holding offices at pleasure, and "debarred by the laws of England from being concerned at elections, to use the great influence attendant upon office, to secure seats in the representative body, in order that its voice may be wholly under executive control although," adds Mr. Mackenzie, "it is an undoubted truth that the interests of the local authorities and those of the colonists are separate and distinct." As a writer habitually engaged in political controversies, Mr. Mackenzie may not be fully alive to the injustice of advancing charges against the servants of the public, unsupported by distinct evidence of their truth; but it is my duty to refuse credit to such imputations as I have quoted, unless they should be clearly substantiated by evidence. For widely as I dissent from the assertion so confidently made, that the interests of the local government are distinct from those of the inhabitants at large, I admit that an abuse of the influence attendant upon office, for the purpose of exercising an improper control over elections, would justly expose to the heaviest censure those to whom it could with truth be imputed. On this subject, however, in the absence of any more definite statements, I can only instruct you that His Majesty expects and requires of you neither to practice, nor to allow on the part of those who are officially subordinate to you, any interference with the right of His Subjects to the free and unbiassed choice of their Representatives.

It is represented that with a view to raise up and multiply the friends of arbitrary and exclusive principles, persons in authority, in and out of the Assembly, resist all plans of general education, and that places of learning are established only for the children of those who hold Government offices, and a few other influential and

wealthy individuals. It is not easy to repress the expression of those feelings with which I cannot but receive such unworthy imputations upon the character of so many upright and enlightened men, unsupported by any proof whatever, except a general reference, which I am unable to verify, to a report said to have been made on some occasion by the present Chief Justice of the Province, on the case of Mr. Osgood.

Even assuming, which is most improbable, that Mr. Robinson really obstructs to the utmost of his power the advance of general education and knowledge, from the base motives so lightly imputed by Mr. Mackenzie, I utterly deny that the King's Government, either in this country or in Upper Canada, are responsible for the opinion which Mr. Robinson may some years ago have advocated in the House of Assembly. It is, however, not unimportant to advert to this subject, because Mr. Mackenzie cannot assert more preposterously than I deny the existence of any such narrow and preposterous policy as that of consigning the children of the zeomanry to ignorance, lest knowledge should render them independent in action or in thought. On the contrary, there is no one object connected with every part of his extensive dominions which His Majesty has more at heart than the general diffusion of sound knowledge in the legitimate and most enlarged sense of that term. This is not merely the first and highest interest of society, but is essential to the right use and peaceable enjoyment of every other civil and social privilege. The Legislature of Upper Canada have already been invited to consider in what manner the University can be best constituted for the general advantage of the whole society; and His Majesty has studiously abstained from the exercise of his undoubted prerogative of founding and endowing literary or religious corporations until he should obtain the advice of the Representatives of the people for his guidance in that respect. In the same spirit, His Majesty now directs me to instruct you to forward to the very utmost extent of your lawful authority and influence, every scheme for the extension of education amongst the youth of the Province, and especially among the poorest and most destitute of their number, which may be suggested from any quarter with a reasonable prospect of promoting that great design. All minor distinctions should be merged in a general union for this important end; and that the head of that union, the local government, should be found encouraging and guiding, and to the utmost of its power assisting all the efforts which may be made to create or to foster a taste for intellectual enjoyments and pursuits. A large portion of the unappropriated wilderness has already been set apart for the purpose. If any other system of local assessment, for the building of school houses and the maintenance of Teachers, should be thought desirable, your assent will of course, be cheerfully given to any such law. Or if the Provincial Legislature should be of opinion that such funds would be more advantageously raised by a general duty, of which they would retain to themselves the specific appropriation from year to year, I should hail with the utmost satisfaction the enactment of a statute of that nature. This, however, is a subject involving so many and minute

details, that it is, of course, impossible for me to advance beyond the expression of a general but most earnest solicitude for the furtherance of the cause of education, in its most comprehensive sense, in Upper Canada. Confident in your own concurrence, and in that of the members of the Legislaturo in those views, I cheerfully remit to you and to them the office of originating the necessary plans for reducing the general principle into a definite shape, requiring of yourself in the first instance only, that you should quicken the attention of the Legislative Council and Assembly to this subject, should you have reason to apprehend that it is in danger of being overlooked or forgotten.

Mr. Mackenzie announces his design to deliver separate papers respecting the organization of the Legislative Council, and, in the mean time, assails that body with charges in the highest degree derogating from their character, though too vague to admit of any precise discussion. Amongst these general charges, I, however, find a statement, that the "Government has annually supplied itself with the revenues of the Province, utterly disregarding every resolution of the Assembly, in the tenth Parliament to correct the evil. Information even (he adds) as to the objects to which the people's money is applied, is annually refused, in respect to a great part of the funds of the Colony, by the Colonial Governors, to unanimous addresses of successive Assemblies—the Royal Instructions being the plea of such refusals." To whatever facts the writer may in this passage refer, I am happy in an occasion of stating to you, that if the Royal Instructions are supposed to forbid the most unreserved communication to the House of Assembly of the manner in which the public money of the Province, from whatever source derived, is expended, such a construction is foreign to His Majesty's design. There is no portion of the Royal revenue, whether the proceeds of Crown Lands or from whatever other source derived, of the employment of which the House of Assembly should not have the most ample and particular information which they may at any time think proper to call for. Nothing is to be gained by a concealment upon questions of this nature, and a degree of suspicion and prejudice is not rarely excited, which, however ill founded, often appears in the result, to be incurable.

Mr. Mackenzie condemns the present House of Assembly not less vehemently than the local Government and the Legislative Council, representing that they were chosen by the people in a state of dejection and despondency as to the Reform of abuses. To sustain his argument he is thus compelled to draw a picture of the Canadian character, in which I am confident he does His Majesty's subjects, at large, great injustice. I am well persuaded that no people on earth are less likely to yield themselves to the unmanly weakness of despairing of the public good, and of betraying their own most sacred duties in so pusillanimous a spirit. And in truth, Mr. Mackenzie must have persuaded himself that a degree of ignorance exists in this country respecting the affairs of Canada which would be absolutely ludicrous, if he can really expect credit for the statement that in the year 1839, an utter despair of vindicating the public liberties had taken possession of the mind of the inhabitants.

I deeply regret that in some parts of his papers Mr. Mackenzie should have left in much obscurity the simple matters of fact which it might have been really important to consider. Thus he speaks of preachers taught to meddle in the political quarrels of factions and parties, and of their leaders being "accommodated with seats in the political councils of the State, and of the Government keeping in pay a political priesthood." It would surely have been as impressive and more useful to have stated that the Bishop and the Archdeacon are both on the list of the Legislative Council, but that it is expected of those gentlemen that they should altogether abstain from interference in any secular matters which may be agitated at that board. Whether even under this restriction their holding such seats is really desirable, is a question upon which I am fully prepared to listen with the utmost attention to any advice which I may receive from yourself, from the House of Assembly, or from any other competent authority. I have no solicitude for retaining either the Bishop or the Archdeacon on the list of Councillors, but am, on the contrary, rather pre-disposed to the opinion that by resigning their seats they would best consult their own personal comfort, and the success of their designs for the spiritual good of the people. But any such resignation must be voluntary since the office is held for life, and were it otherwise, no consideration could induce me to advise His Majesty to degrade the Bishop or the Archdeacon from the stations they occupy, except upon the most conclusive proof of misconduct. But even Mr. Mackenzie does not impute any violation of duty to them. With respect to the charge shewing an undue preference to preachers of religion belonging to the established churches of this country, it is so utterly at variance with the whole course of policy which it has been the object of any despatches to yourself to prescribe, that I cannot pause to repel it in any formal manner.

Much complaint is made of the expense of elections, and it is said that public officers are enabled by their superior affluence to overpower by a lavish and corrupt expenditure those who have no other recommendation than their personal character. If there is the least foundation for this complaint as to the expense of elections (which I have not the means of ascertaining) you will signify to the Legislative bodies that it is the earnest desire and recommendation of His Majesty that every practical method should be taken for correcting what would be so great an evil, by reducing the cost of elections within the narrowest possible limits. —I cannot however omit observing that even if it should turn out to be true that the cost of elections is as great as it is represented to be, the official return of the civil establishment of the colony sufficiently shews that it is quite impossible that the salaries received by public servants can enable them to avail themselves of this circumstance in the manner which has been alledged.

Mr. Mackenzie states that an enquiry into the state of the representation was instituted by the present House of Assembly on his own motion, and he has transcribed the resolutions adopted by the committee, but he adds that "such propositions were not suitable to the majority in the present Assembly," that they ap



pointed a new committee which reported that no alterations were required in the existing laws, except by giving the County of York an additional member, and that on receiving this report, the House instead of giving York a member took one from it; and as I understand increased the number of members for the District of Bathurst.

It suits the present view of this gentleman to call upon the Executive Government to censure and dissent from the resolutions of the representatives of the people, adopted after two solemn enquiries and supported by a body of Petitioners far exceeding in numbers those for whom he acts. In what language, however, such an interference of Government would be denounced by Mr. Mackenzie himself on any occasion on which he concurred with the majority of the House, it is not difficult to conjecture. It cannot be expected that any decision of the Legislature upon a subject of so much general interest as the Election Laws should escape without the most vehement and unmeasured censure from the parties unfavorably affected by it. Looking, however, not to individual but to general interests, not to the excitement of any dissatisfied party, but to permanent principle, I must positively refuse upon a question so peculiarly within the cognizance of the House of Assembly to place the King's Government in hostility with that body. I have every reason to suppose that the course they adopted was wisely taken: and even if I thought otherwise their authority would compel me to distrust my own judgment.

Mr. Mackenzie has concluded this paper by predictions of bloodshed and civil war, and a dissolution of the connection between Upper Canada and this kingdom. He may well suppose that such a prospect would be regarded by His Majesty's Government with a degree of concern and anxiety to which it would be difficult to give any adequate expressions. But against gloomy prophecies of this nature, every man conversant with public business must learn to fortify his mind. They have ever been the resource of those who endeavor to extort from the fears of government concessions, in favour of which no adequate reasons could be urged. I will not adopt the injurious opinions which Mr. Mackenzie seems to entertain of the people of Upper Canada. I reject as a libel on that loyal and enlightened race of men, the supposition that they would violate their sworn fidelity to the King, and desolate their native land with blood, because His Majesty defers to the judgment of His Faithful Commons in Provincial Parliament assembled, supported by large bodies of the most respectable and numerous petitioners, rather than to the opinions of a far less numerous, though probably a highly respectable portion of his subjects. I will not for a moment speculate upon the probabilities of such a revolt. It is a subject which it would be utterly indecorous to agitate. The people of Upper Canada have the highest claims to the attachment of their Sovereign and of the British nation; and whatever efforts may be made to excite discontents among them they will, I am persuaded, believe that His Majesty and the Parliament of this Kingdom, in common with the entire mass of the population of Great Britain and Ireland, cherish towards them no other sentiments than those

of the most profound respect for their constitutional rights, and the most earnest desire for their social welfare. In that spirit His Majesty's Ministers are, and have ever been, prepared to refer to the Provincial Legislature the consideration of every question directly or remotely affecting the interests of the Province, and even to anticipate their probable wishes as far as is consistent with the discharge of those Executive duties which the constitution has devolved upon the local government and its various functionaries. I am unconscious of a solitary instance in which my colleagues and myself have sanctioned any attempt to derogate from the privileges of the Provincial Legislature or the rights of any class of His Majesty's Canadian subjects; and in the consciousness of having acted under the constant guidance of these principles, we can cheerfully appeal to the people at large for that just appreciation of the measures of government, which, if I could credit Mr. Mackenzie, I might suppose was not to be expected.

I proceed to the second paper, entitled, "An argument intended to shew that it is expedient to dissolve the present Provincial Parliament of Upper Canada, and summon a new one."

After enumerating the various topics embraced in the former paper, Mr. Mackenzie proceeds to state that the metropolitan county condemned the conduct of the majority of the present Assembly; first by his own election in January 1832, and secondly by his election in February last. He adds that the decision of the County of Grenville, in rejecting Mr. Jones, and choosing Mr. Norton, testified their concurrence in his views. For the reasons already explained, I must be permitted to believe that the electors for the metropolitan county, enlightened and worthy of all respect as they certainly are, cannot be considered as perfectly impartial judges upon the question of representation. The proposed change would invest them with an influence of which the counties remote from the seat of government would have the strongest reason to complain—Nor is the voice of the County of Grenville entitled to outweigh the decisions of many others, counties and towns which are obviously opposed to it. It is then said that the present House should be dissolved "because it is manifest that the great body of the people are justly dissatisfied with their proceedings." It is easy to make such assertions, but not so easy to substantiate them. I must upon such a question give more weight to the recorded opinions of the 26,854 persons who have expressed their dissent from Mr. Mackenzie's views, than to that gentleman's declaration supported by similar attestations.

The writer then enumerates various acts of misconduct which he attributes to the present Assembly. These are the rejection of bills for the regulating of township officers, for education, and for amending the jury laws. They also are charged with having granted a permanent civil list without stipulating for the independence of the judges—and this measure is said to have been passed both by the Assembly and the Council in an unusual and indecent haste. Respecting judicial independence, it must have been known to Mr. Mackenzie, that without waiting any solicitations from the Province, His Majesty had long before the date of this paper, directed you to suggest the enactment of a bill for that pur-

pose. His Majesty would rejoice to give his assent to such a bill, and doubts not that it will speedily be enacted. The indecorous haste which is said to have occurred in granting the civil list seems to be very harshly ascribed to the House. The King had, without any request from them, placed at their disposal the revenues of which the law had vested the appropriation in himself; and if in a courteous and respectful acknowledgement of so frank a concession, the ordinary forms of business were dispensed with, it is surely neither wise nor gracious thus to censure a proceeding intended and calculated to strengthen the bonds by which the Sovereign and his people are happily united. The question of Jurics and Township Officers are precisely such as to admit an infinite diversity of opinion respecting each specific measure proposed to the House; and no unprejudiced person would assume that a dissent from his own views on such topics implied any failure of zeal for the public good.

This paper proceeds to accumulate a body of charges against the Assembly, into the justice of which it is utterly impossible that I should enter. Whether their appropriations of public money have been prudent—whether Mr. Mackenzie himself was properly expelled—whether a reduction of fees ought to have been made—whether the term “misguided individual” was correctly applied to Mr. Mackenzie and others, in the address to His Majesty, are topics on which I conceive it to be the duty of the King’s Government rather to defer to the judgment of a body enjoying the most extensive means of local information than to oppose to them conjectural opinions of their own.

The same conclusion is next urged on the ground of the angry and excited state of the public mind. I should have thought that, assuming the accuracy of this statement, anger and excitement were precisely those tempers of mind in which men would be least qualified to exercise a wise and dispassionate judgment on the great question which it is proposed to refer to their determination.

The recent dissolution of Parliament in this kingdom is quoted as a precedent in favor of a similar proceeding in Upper Canada. I will not discuss the accuracy of the analogy of which it is thus attempted to draw between the two cases; but content myself with saying that I believe no impartial man will deny that no real similarity exists between them. However well adapted such a topic may be for popular effect it would be at variance with all sound principles to accept it as a ground for a great political measure.

Mr. Mackenzie appears to have foreseen that a very numerous body of petitioners would protest against his recommendations.—It is satisfactory to find that in his attempt to repel their effect by anticipation, he has no specific statement to make or argument to urge, but that in his opinion, such petitioners would shew “the follies of the advisers of the government, and their own inexperience.”—With what propriety “folly” is thus freely attributed to more than 26,000 persons, or “inexperience” to those who are in the same breath condemned for having exercised an improper authority from the very infancy of the Province, it were needless for me to state.

The House themselves, it appears, refused to concur in an address for their own dissolution. In favor of the motion, eighteen members voted, and twenty-seven against it. The two parties it is said each representing populations numerically equal. But it is added that nineteen of the majority were persons holding offices or places at the pleasure of the Crown. Upon what grounds Mr. Mackenzie makes this assertion I am at a loss to conjecture. I have before me a list of the majority who voted upon the occasion referred to, and on comparing it with the annual return of the civil establishment of the colony for 1830, I cannot discover that it includes more than six gentlemen holding any public employment. Of these six, one fills a situation of which the emolument is little more than nominal, being only £9 a year—of the remaining five, two are the law officers of the crown, whom I presume Mr. Mackenzie can scarcely hold it to be desirable to exclude from the Assembly. If it could be shown that the Crown really possessed an undue influence in the Provincial Legislature, His Majesty would not hesitate to assent to any law which might be passed for the purpose of limiting the number of persons holding offices at pleasure who should be permitted at one time to sit there. I cannot however believe that any such undue influence could possibly be exercised. The popular system of election which exists in Upper Canada, would enable the inhabitants speedily to dismiss from the Assembly any representative who might be capable of betraying his duty to his constituents by supporting a line of policy injurious to their interests, for so paltry a consideration as £50 or £60 a year, which seems to be the amount received by some of the persons to whose presence in the Assembly Mr. Mackenzie objects. If the majority of the electors of any town or county think fit to return as their representative a gentleman who is in the public service, this only proves that the general policy of the Government by which he is employed, is in their opinion entitled to approbation; nor if so, can I see the slightest objection to such a choice: on the contrary I think the presence in the Assembly of a certain number of gentlemen holding official situations, and able to explain the views and objects of the Government on the different subjects which come under discussion, is calculated very much to promote the public interest.

Mr. Mackenzie further contends that the petitions of which he is the bearer should be credited as expressive of the general opinion of the Province, because they accord with the votes of the House of Assembly of Lower Canada—because they are in harmony with the views of the last Assembly of Upper Canada—because this present Assembly has vacillated in some of its measures, because the present House has sanctioned resolutions, bills and addresses, negatived by the Council or rendered ineffectual by yourself—because they correspond with the petitions presented to the House—because they are in coincidence with certain petitions approved by the Assembly in 1828—with others presented to the House of Commons in 1831—and with another address to yourself in December last; and finally because they are supported by a mass of facts and testimony.

These statements do not, as far as I perceive, invalidate the inference which I am bound to draw from the facts that Mr. Mackenzie and his constituents are opposed by a body of petitioners who very greatly outnumber themselves: desirous to attribute to popular opinion, when deliberately formed and calmly expressed, the weight which it is indeed impossible to deny it, I am by that very consideration compelled to believe that in acceding to the prayer for a dissolution of the House, His Majesty would be acting not in consonance with the judgment of the people, but in opposition to it. I must believe myself better informed than Mr. Mackenzie, respecting the affairs of Lower Canada, as I have much more ample sources of information, and I therefore deny that the cases of the two Provinces are so parallel, or alike, that the resolutions adopted in the one could, with any propriety, be transferred to the circumstances of the other. I cannot assume that the ninth Provincial Assembly, were it now sitting, would retain the opinions it held in a former and different period. The changes of opinion in the present House of Assembly rather prove that that body are attentive to the wishes of their constituents than the reverse, and certainly afford no argument to shew that they have lost the public confidence. The "facts," and the "testimonies" to which reference is made, I have considered in the former part of this Despatch.

The dissolution of the House is again urged upon His Majesty, because the same principle of extending the representation to meet the increase of the population was recognized in the Lower Canada bill of 1829—because His Majesty assented to a reformed representation in this country—because it is desirable to conciliate the people of Upper Canada—because the Canada Committee of 1828, advised a conciliatory and constitutional system of Government to be observed in the Canadas: and because Mr. Hume has, on some occasion, which is not explained, excited expectations in the Province which the refusal of a dissolution would disappoint.

I answer that for whatever language Mr. Hume may have employed, that gentleman alone is responsible; and His Majesty's Government cannot be called upon to answer for any disappointment which they may have had no share in producing. I further answer that the advice to conciliate the Canadas by a constitutional system of Government, has been constantly borne in mind, by my colleagues and myself: but that I know not what principle of the constitution calls upon us to advise His Majesty to oppose the decided voice of the House of Assembly, and the voice of the great apparent majority of the people.

To retain their affections is the great object of His Majesty's policy: but how am I to suppose that this object would be promoted by thwarting the declared wishes of so preponderating a majority of them! The Royal Assent to the Reform Bill in this kingdom, proceeded on no principle which could be applied to the present question; and the reference to Lower Canada and the Election Law of that Province of 1829, proves only how very imperfectly Mr. Mackenzie is acquainted with the real history of that law.

I have thus pursued the two first papers laid before me by Mr. Mackenzie in the most ample detail. If it should occur to you that I attach to them more importance than can be fairly claimed

for the views of a single man writing under the irritation of personal resentment, I would reply that I have always felt it to be my duty to consider any representation which may be laid before me upon important public questions, with reference to the intrinsic merits of the questions themselves rather than to any matter personal to the individual from whom they may immediately proceed; and in this case I have received these documents from Mr. MacKenzie, not merely as expressing his own opinion, but also as explanatory of the views of those who have deputed him to represent what they consider their grievances to His Majesty. To them the utmost possible respect is due; and although they have not succeeded in satisfying me that their opinions are right and their views correct, I have been anxious at least to prove that they had undergone the most careful scrutiny which it was in my power to bestow upon them. The only object which His Majesty's Government can have in view is the improvement and welfare of the Province; and it is highly gratifying for them to believe, from all accounts which reach this country, that whilst upon some questions of internal policy, and the state of the law, in certain respects, differences of opinion may prevail, the prosperity of the Province is rapidly advancing in a manner calculated to draw closer the bonds of attachment by which the people are united to the Mother Country. It is the duty of His Majesty's Government at home, and of His Representative in the Province, to keep these great objects steadily in view, relying with confidence upon the good sense, the right feeling, and the warm loyalty of the people at large. It is by such a course that errors may best be amended, imperfections removed, abuses corrected, and all the sources of public good developed and enlarged.

Having written this despatch with a view to publicity, you have my authority to make it public in whatever manner you may think most convenient.

I have the honor to be,

Sir,

Your most obedient Servant,

GODERICH.

Major General

SIR JOHN COLBORNE, K. C. B.

&c. &c. &c.

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No. 79.

B.

*Copy of a Despatch from Major General SIR JOHN COLBORNE, to Viscount GODERICH, enclosing Addresses from the Legislative Council and House of Assembly.*

UPPER CANADA, }  
York, 16th February, 1833. }

MY LORD,

I have the honour to acquaint Your Lordship, that being persuaded much inconvenience must arise from delaying

to promulgate Your Lordships' Despatch of the 8th November last, I took an early opportunity of laying this Despatch and the voluminous Documents to which it referred before the Legislative Council and House of Assembly.

The documents were the occasion of a very angry discussion in both Houses; and I beg leave to transmit to your Lordship, the accompanying Addresses which I have received, respecting the several allusions in your Lordship's observations, which the two Houses have considered themselves called on to notice.

Under the circumstances of the case, and with reference to the petitions carried home by Mr. Mackenzie, having been received by the House of Assembly last Session, I have no doubt that Your Lordship will approve of the course which I have pursued in giving publicity to Your Lordship's Despatch.

I have, &c.

(Signed)

J. COLBORNE.

No. 80.

*To His Excellency Sir John Colborne, Knight,  
Commander of the Most Honourable Military  
Order of the Bath, Lieutenant Governor of the  
Province of Upper Canada, and Major General  
Commanding His Majesty's Forces therein,  
&c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

WE, His Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg leave to express our thanks to Your Excellency for laying before us an original despatch, written to Your Excellency by the Right Honourable the Secretary of State for the Colonies, on the 8th of November last, containing his Lordship's observations at great length, upon a variety of statements made to him by Mr. W. L. Mackenzie, an inhabitant of this town. Having perceived this Despatch, we comply with your Excellency's desire in returning it to your Excellency, taking it for granted that the only reason for laying it before the Legislative Council was the direction contained in the Despatch that it should receive publicity.

The statements upon which these comments have been framed have also been laid before us by your Excellency; but without entering into any particular consideration of their contents, with which the Council had little desire to become acquainted, enough appears in the tenor of his Lordship's observations, to make it manifest that those statements have been made with a very unusual disregard of truth, and in a spirit of wanton and intemperate hostility to the Legislative and Executive authorities in this Province. If sufficient internal evidence of this character did not

present itself to His Majesty's Secretary of State, in all such parts of those documents as relate to the affairs of this Colony we must infer, from the observations of his Lordship, that it was abundantly displayed in the principles, motives and conduct ascribed to His Majesty's Ministers in England, upon which his Lordship has necessarily the means of forming a correct opinion.

We cannot say that it may not possibly give satisfaction to some persons in this Province to observe the condescending and respectful manner in which representations of so peculiar a description, proceeding from an individual, have been received and replied to, notwithstanding it was evident they were outrageously insulting to all the constituted authorities of this Colony, and scarcely less so to the people at large, in imputing to them sentiments and feelings by which they never have been, and we are convinced never will be, actuated. It is not in the nature of things, however, that the Legislative Council, or that any portion of the people in this Province, of sound hearts and understandings, having the truth under their view, can regard such statements, as compose Mr. Mackenzie's voluminous correspondence with His Majesty's Secretary of State, in any other manner than with the most unqualified contempt, a contempt which, upon every principle on which character is acquired or lost, we think it must be more conducive to the public interests and honor, and to all the ends of good government to avow than to disclaim; so far, therefore, as the despatch of His Majesty's Secretary of State is to be considered as a reply to those statements, or as a commentary upon information derived from the same source, we cannot regard it as calling for the serious attention of the Legislative Council; but it is scarcely necessary to say, that in any other point of view, this expression of the sentiments of His Majesty's Government upon several of the matters discussed by his Lordship, must be received by us with the greatest interest. Upon some of these matters it may become the duty of the Legislative Council to address themselves respectfully to their Gracious Sovereign, because they deeply concern the permanent interests of this Province; but we think we shall best consult the respect due to the other branches of this Legislature, as well as to ourselves, by forbearing to enter into any discussion upon them in connection with these documents.

We appeal, however, to the intimate knowledge of this colony which Your Excellency has acquired during a residence of four years, for a confirmation of our remark, that upon several of the questions which in this despatch are most elaborately discussed, no dissatisfaction or difficulty prevails, or ever has prevailed; that no person living here ever heard, or imagined before, that they were seriously talked of or thought of as grievances; and that the minds of the people are so far from being disquieted by them, that it is probable not a word would be heard upon them in travelling from one extremity of the Province to the other, and in mingling with its industrious population throughout every portion of it. We appeal also to Your Excellency for a confirmation of the statement, that from the day on which the author of



those abusive papers left this Province to the present hour, the people of Upper Canada have pursued their avocations as contentedly and as happily, with as kind and liberal a confidence in the justice of their government, and as respectful a submission to the laws, as can have prevailed throughout the same period in any part of the dominions of the Crown, not excepting the most peaceable county that could be pointed out in either of the United Kingdoms.

It cannot but be highly gratifying to the Legislative Council to observe how rightly His Majesty's government estimates the sincere and ardent attachment which binds the great body of this people to the person and government of their Sovereign, and to the constitution under which they live. It would indeed be folly to expect, that in so large a population, there may not, at any time be found some individuals who desire to disturb the existing order of things, from the same motives, and for the same purposes, which have prompted to similar attempts in all ages and countries, and under all forms of government.

And it is not strange that there should be, among 300,000 persons, a very considerable number who, from a want of information, or of sufficient reflection, or from dispositions unfavorable to candid inquiry, may be too easily deceived, and brought to unite, for a time, in measures which they would not and could not approve of, if the truth could be brought clearly under their view. But in respect to our fellow subjects in Upper Canada, speaking of them collectively as a people, we do them sincerely the justice to believe, that it is not necessary to conciliate their good will by overlooking, upon any occasion, the broadly marked distinctions between truth and intention, maintenance, between honor and dishonor, patriotism and sedition.

Upon the manner in which His Majesty's government might choose to notice the petitions of any number of the inhabitants of this Province upon public or private grievances, expressed, as we must conclude they would be, in the ordinary language of serious remonstrance or complaint, it would be presumptuous in us to offer any remark: but the documents before us are the productions of an individual, supplied and reasoned upon as matters of information, upon the general policy of this government, and the conduct of its officers; and they consist, in a great measure, of extracts from articles that have, from time to time, appeared in the columns of a newspaper, and which cast unmerited insults upon the representative of His Majesty in this Province, upon both branches of the Legislature, upon members of each House individually and by name, and upon some of the most worthy and irreproachable inhabitants of the country. These strung together with little order or connection, and bearing upon the face of them the most palpable marks of a reckless mind, have been unscrupulously thrown before His Majesty's Government, in disregard of the respect due to the high authority to which they were addressed, and in violation of the official form and decorum which constitute in general some protection against contumely and abuse.

It has been painful to the Legislative Council to see, that in a discussion founded upon these documents, the office of Lieutenant-

ant Governor of this Province, and the names of some of the most responsible of the King's servants, are even hypothetically connected with imputations, which no one can easily tolerate to find associated with his name.

We confess it has not been without some degree of alarm, that we have observed the great stress laid by His Majesty's Secretary of State, in the course of his discussions, upon the fact, that the petitioners, who, it seems, have supported by their signatures some of the statements advanced by Mr. Mackenzie, are very much outnumbered by the signers of petitions avowing opposite opinions. The Provinces of Canada are a most valuable portion of the British Empire, and their rapidly growing importance well justifies the anxious interest, and the minute attention, with which the welfare and the wishes of their people are consulted by our paternal Government; but for the sake of the very numerous population which now inhabits this portion of the King's dominions, and for the sake of the millions, who, at no distant period, will be comprehended within their limits, we earnestly hope, that the stability of those institutions upon which our social happiness depends, is so far secure, that there are some points which, from their vital importance, will be firmly and inflexibly maintained, and for reasons more satisfactory and conclusive than an accidental preponderance in the number of petitioners on one side or the other; and that the Government of our mother country will feel it to be an indispensable duty to uphold them with constancy against any unfounded prejudice or complaint, however supported. The Legislative Council feel it right also in candour to declare to your Excellency, that they have perceived in various parts of his Lordship's despatch, and not without extreme regret, that to the complaints urged against the Executive Government of this Colony, and its officers, charging them with actual misconduct, or with culpable indifference to the interest of the Colony and the happiness of its people, it seems to have been thought material, if not satisfactory, to reply in substance, that if indeed such imputations could be truly made, no blame can attach to His Majesty's Government in England, either because these abuses occurred in times that are past, or because the responsibility rests wholly with the persons incriminated; and in some instances a degree of color is given to the complaint, by an express direction to your Excellency not to practise or to suffer any such abuse in future, or to give your utmost attention to the particular subject in discussion, which it might from thence be supposed has thus been brought, for the first time, under the attention of His Majesty's Government.

The Legislative Council trust they may be permitted to remark, that if the many faithful subjects of His Majesty in this country, whose knowledge of the truth, and whose sentiments led them justly to appreciate the acts and intentions of His Majesty's Government, had always contented themselves with vindicating them in the same spirit against aspersions unsupported by evidence, and advanced for the sole purpose of weakening the respect which should be felt for them, there might have been found somewhat less of that confidence in the government of the Mother Country, which

every good man has felt it to be his duty to maintain and cherish.

And they cannot but think it much to be deplored, that on some most interesting public questions, whatever the Government and the Legislature of this Colony have done, and are doing, in the zealous discharge of their duty, seems to have been unfortunately for the time lost sight of, so much as to leave ground for the inference, that it was necessary to quicken attention even to the obvious duty of promoting the religious and moral instruction of the people, by enforcing the suggestions of an individual, who unhappily employs the education he has received in misleading public opinion, and in sowing discontent among a happy and loyal people. We have not failed to remark, that in the observations which His Majesty's Secretary of State has made upon the subject of the Legislative Council, it seems not to have been present, at the moment, to his Lordship's recollection, although it must, of course, have been familiarly known to his Lordship, that that branch of the Legislature is not composed here, as in many chartered governments, of the same body which constitutes the Executive Council of the Governor.— It is therefore, as we most respectfully suggest, not accurately spoken of as a Board, being in fact a deliberate assembly, distinct from the Executive department, constituted by a British Act of Parliament, and composed of members from various districts of the Province who hold their office for life, whose duties are exclusively Legislative, and in which all that is done is openly and publicly discussed, and proceeded in according to the same formalities as are observed in the representative branch of the Legislature. Under this constitution which created and preserves them an independent body, the Legislative Council has, for a long series of years, and for many successive parliaments, proceeded in a spirit of perfect harmony with the House of Assembly, with but one interruption, occasioned by a discussion on a point of privilege, in which each branch doubtless maintained those principles which it thought essential to its just independence.

However different may have been the opinions formed in the two Houses upon the principles or details of particular measures, neither has manifested the inclination to deny to the other the free exercise of their judgment upon all questions, and they have constantly proceeded in a spirit of cordial co-operation in the advancement of objects and undertakings, by the aid of which this Province is making the most rapid and satisfactory progress, and is attaining to great importance as an agricultural and commercial country. It is the very intention of our constitution that the several branches of the Legislature should act as mutual checks upon each other, in order to prevent the too hasty adoption of measures of doubtful expediency; but when this check is interposed and felt, it is not unlikely to happen that persons of impatient and impetuous temper look thenceforward with an unfavourable eye upon the barrier which obstructs the fulfilment of their wishes, and exert unscrupulously every effort to undermine or overturn it.

For a just and steady support against every such attempt, the Legislative Council had always relied with a natural and habitual confidence upon the consideration and prudence of the Parent State; but they confess with pain that this confidence was in some degree impaired when they found a committee of the House of

Commons, a few years ago, in the course of an inquiry into the affairs of the Province of Canada, proposing to such individuals as happened to be at hand a variety of questions apparently framed for the very purpose of drawing forth expressions of dissatisfaction with the manner in which the Legislative Councils were constituted, and really pressing upon them, as it were, to give a sanction by their voice to the opinion, that the Councils should be rendered elective, a change which we are convinced no portion of the people of this province had even to that moment contemplated, and which we venture to say is one of the very last changes which any friend to the best interests of these Colonies would desire to see adopted.

To lead, however, to this conclusion, a variety of questions were proposed relative to the conduct of the Councils in rejecting or amending Bills, and these were proposed to individuals in no measure responsible for the acts of the Council, nor competent in any degree to account for or explain them.

It could not be otherwise than that, by such a proceeding, an injury must be inflicted upon the character of the Council, by which its efficiency might be more or less impaired, a consequence certainly not to be desired, and of which the prospect was more painful to this Council from the consciousness that no conclusion to their prejudice would have been drawn by candid men, after that explanation of their proceedings, which alone could make them intelligible, and which the gentlemen conducting the enquiry were wholly without.

The Legislative Council feel it necessary also at this time, after perusing the Despatch of His Majesty's Secretary of State, to declare, with what disappointment and regret they perceive that in an official communication which is directed to be made public, and which has been elicited by the extraordinary representations alluded to, His Lordship has thought it necessary to make express and particular reference to individual members of the Council, commenting upon the profession to which they belong, declaring the line of conduct which His Majesty's Government has enjoined upon them while they continue to be members, and intimating His Lordships' preference that they should resign their seats.

In respect to that part which the members alluded to shall take in the measures and deliberations of the Legislative Council, it is well known to the Council, that nothing could have been less called for than the injunction which has been thus publicly announced, and it is much to be regretted that the expression of this injunction upon such an occasion, and in such a manner, should now render it difficult for those gentlemen to persevere in a line of conduct into which their own inclination and convenience had led them, but which they could not honorably have consented to adopt either upon compulsion, or upon any other suggestion than that of their own judgment.

The Council takes this occasion to remonstrate respectfully,

but earnestly, against this assumed right of influencing the conduct or controlling the attendance of individual members.

They claim to be regarded as a perfectly independent branch of the Legislature; they feel it to be their duty to the people of this Province, no less than to themselves, that they should really maintain that character; and they are painfully sensible that the honour of the Council collectively, and of each member of it individually, is concerned in their asserting to the full, the privileges which the Constitution has vested in them.

They observe, with pleasure, the declaration of His Lordship, in one part of his Despatch, that His Majesty's Government has no right to interfere in the proceedings of the Council; and they should have felt most happy, if the same conviction which had dictated that declaration had also suggested that no individual member can constitutionally be instructed upon the part which he may take in those proceedings. If, instead of being appointed to the Council for life, the members of that body had held their seats at the pleasure of His Majesty, it would seem, but a reasonable consequence, that either that pleasure should be conclusively expressed, by absolutely removing the member, or that he should be left to be freely governed by his own discretion in respect to the frequency of his attendance in his place, as well as the extent to which he may participate in the acts and deliberations of the House.

The Legislative Council observes, That His Majesty's Secretary of State, adverts in the Despatch to a statement that Mr. Hume had excited expectations of certain measures in regard to this Colony, which expectations ought not to be disappointed. Upon this point it is not unimportant, in the opinion of the Council to observe, that if reliance could be placed on the same source of authority, on which most of those assertions rest, which have occupied so much of the attention of His Majesty's Government, Mr. Hume would indeed be responsible in no small degree for any discontent which may in time be produced in this Province in respect to its constitution and Government; but the Council sincerely trusts that it is not with truth represented that the measures beginning to be introduced into this prosperous Colony for establishing Political Unions, which threaten alike the peace and the liberty of the people, are pursued under his recommendation; the Council, indeed, are bound at present to discredit it. It would be difficult to conceive what motives would justify, or what feeling could impel, any one of our fellow subjects, in England, to such a proceeding. The people of Upper Canada are at this moment, among the most favoured on earth: they enjoy peace, liberty, security and abundance; on a fertile soil, and in a healthful climate, with an almost total exemption from burthens of any kind, and they enjoy those at a time when distress, tumult, and the prospect of war, occasion suffering and anxiety in most countries of the world.

If under these circumstances there can be any considerable number who are really not contented with their lot as inhabitants of Upper Canada, the only cause of their unhappiness must be, that they have not a disposition to be thankful.

The Legislative Council, after a perusal of this despatch of His Majesty's Secretary of State, has thus frankly expressed to your Excellency those sentiments which, if they had forborne to give them utterance, must, nevertheless, have remained impressed upon their minds. It is their earnest hope that they will not be thought to have departed on this occasion of unusual delicacy, from that respect to His Majesty's Government of which they are conscious that the Legislative Council has never been unmindful.— They do not entertain the thought that a Minister of the Crown can ever apply himself to the affairs of this colony with any other wish or intention than to do good, and they recognise in the voluminous despatch which has been placed before them the most anxious desire to place in their true point of view some questions to which the attention of His Majesty's Government had been called, not merely, as the Council is aware, by the representations of an individual, but by the petitions of a number of His Majesty's subjects in this Province. For the desire thus shown, the Legislative Council cannot be otherwise than thankful; and they lament the more, that in a document in which an anxiety to allay prejudice is, on the whole, so manifest, occasion should have been given for the expression of deep regret at the impressions which some of its passages are calculated to produce. The Council, with the greatest deference to His Majesty's Government, beg further to add, that although they are far from thinking that no importance should be attached to the respectability of the source from whence information upon the public affairs of this colony, or the conduct of its government, is sought and devised, yet, with respect to various opinions expressed, it would have seemed to the Council to evince a departure from all former usages, almost equally to be regretted, to have found His Majesty's Government involved in public discussions upon the composition and proceedings of the Legislative Assemblies of this colony, in consequence of the representations of any one of its most respectable inhabitants.

Your Excellency having transmitted to the Legislative Council the despatch and documents referred to, as the only method which we feel could have been consistent with the dignity of the government for giving to them the publicity required by His Majesty's Minister, we have thought it the more regular and respectful course to address to your Excellency our unanimous sentiments upon them under the expectation, however, that your Excellency will deem it proper to transmit a copy of this Address to His Majesty's Secretary of State for the Colonies.

JOHN B. ROBINSON,  
Speaker.

Legislative Council Chamber, }  
2nd day of February, 1833. }

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*To His Excellency SIR JOHN COLBORNE, Knight  
Commander of the most Honorable Military  
Order of the Bath, Lieutenant Governor of the*

*Province of Upper Canada, Major General  
Commanding His Majesty's Forces therein, &c.  
&c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, return our thanks for Your Excellency's Message of the twelfth day of January last, transmitting a Despatch of the Right Hon. the Secretary of State for the Colonies, in answer to certain letters and documents addressed to his Lordship for the purpose of proving that the people of this happy and prosperous Colony are oppressed and burthened with grievances, and have become so discontented, that there is danger of revolt and bloodshed, unless those alleged burthens and grievances are removed and redressed.

We most readily concede that the Noble Secretary of State was actuated by the best motives in framing the Despatch in question; but we cannot refrain from expressing our great regret, that it did not occur to his Lordship, that allegations thus deeply affecting the character of His Majesty's subjects of Upper Canada, rested on no better testimony than that of an individual who had been twice expelled this House, and who, in consequence of his having fabricated and reiterated libels of the grossest description, had been declared unfit and unworthy a seat in the Assembly during the present Parliament. If this fact had occurred to his Lordship, it is reasonable to suppose that he would not have felt himself at liberty to recognise the author of this additional calumny on the people of this Province, as the Agent, or as speaking the sentiments of any portion of the loyal inhabitants of the Province of Upper Canada; and would, therefore, have considered it utterly unnecessary to enter into so elaborate an examination or refutation of any thing advanced by him.

The House of Assembly are unwilling to occupy Your Excellency's time or attention by commenting on the details of the despatch, or on the different matters referred to in it, as constituting grounds of complaint on the part of a few of the people of this Province; they will merely remark, that the remedy for any ills alleged to exist, is placed in the hands and is within the constitutional power of the Legislature of the Colony, and the Noble Secretary of State does the people of this Province but justice in believing "that there are no people on earth who are less likely to yield to the unmanly weakness of despairing of the public good, and of betraying their most sacred duties in a pusillanimous spirit."

Acting upon principles and feelings diametrically opposite to those imputed to them, we are confident that they will take care to exercise their rights as freemen and British subjects in such a manner as will ensure the election of representatives, who will maintain our excellent constitution, guard our rights, and with the concurrence of the other branches of the Legislature, adopt such measures as may appear necessary for removing any just grounds of complaint.

[Signed] ARCH. McLEAN, *Speaker.*

Commons House of Assembly, }  
9th day of February, 1833. }

## No. 31.

C

*Address to His Majesty from the inhabitants of Lennox  
and Addington.*

To the King's most Excellent Majesty,

**MOST GRACIOUS SOVEREIGN :**

We, Your Majesty's dutiful and loyal subjects, inhabitants of the counties of Lennox and Addington, in the Midland District, and Province of Upper Canada, beg leave humbly and respectfully to tender our most hearty and sincere thanks to Your Majesty, for the consideration which Your Majesty has been pleased to bestow upon the representations and petitions of Your Majesty's subjects in this Province, as evinced by the despatch of Lord Goderich, Your Majesty's Secretary of State for the Colonies, dated 8th November, 1832, and transmitted by His Excellency the Lieutenant Governor Sir John Colborne, to the House of Assembly, during the recent session of our Provincial Parliament. Trusting, as we do, that the paternal care manifested in that despatch, and a free, unobscured and direct communication between Your Majesty's Government and the people of Upper Canada, will be the means of perpetuating the bonds of loyalty, affection and gratitude which bind us to Your Majesty's person and government, and believing that the various measures of reform mentioned in the despatch, many of which have long been most anxiously desired by a large majority of the people of this Province, if adopted, cannot fail to render Your Majesty's faithful subjects more prosperous, contented and happy.

(Signed) HENRY LAWLER,

(And 1601 other signatures.)

## No. 32.

D.

*Address to His Majesty from the inhabitants of Cobourg.*

To the King's Most Excellent Majesty,

**MAY IT PLEASE YOUR MAJESTY :**

We Your Majesty's dutiful and loyal subjects of the Town of Cobourg and its vicinity, beg leave to renew the pledges of our fidelity and loyal attachment to Your Majesty's person and government, and to express our unfeigned gratitude for the interest Your Majesty has always taken in the welfare of this Province, and especially for Your Majesty's benevolent concurrence in the liberal suggestions contained in the despatch of Your Majesty's Colonial Secretary, the Right Honourable Lord Viscount Goderich, bearing date the 3th of November last.



It has occasioned no less surprise than regret, that this wise and conciliatory act of Your Majesty's Government, which reflects the highest honor on their justice and liberality, and which has called forth the grateful feelings of Your Majesty's loyal subjects in Upper Canada, has not been met with corresponding sentiments by our local legislature.

We owe it to Your Majesty, and to Your Majesty's Government, as well as to ourselves, to give our unhesitating assurance, that the sentiments of gratitude thus conveyed are in common with those of the great body of the people, and that Your Majesty's condescending kindness has thereby strengthened the bond which unites both countries together.

That Your Majesty will continue to pay a paternal regard to the just complaints of Your Majesty's Canadian subjects, and that Your Majesty's Government will always consult the prosperity and happiness of the province we confidently anticipate; and we pray that Your Majesty may long reign over a prosperous, happy and united people.

(Signed) GEO. BOSWELL,  
(And 595 other signatures:)

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No. 83.

### Upper Canada Legislature.

*RETURN to an Address to His Majesty, dated 6 Feb. 1833:—for,*

RETURNS of the NAMES of the MEMBERS of the LEGISLATIVE and EXECUTIVE COUNCILS and HOUSE OF ASSEMBLY of *Upper and Lower Canada*, on the 1st July 1832; stating the various Offices, Employments and Public Situations each of them held under the *British and Colonial Governments*, Clerical and Lay; with an Account of the Pay, the Salaries, the Allowances and the Amount of all Fees or other Emoluments received by each for each Office; showing also, whether any, and if so, what Half-pay, Pension, Superannuated or Retired Allowance each receives, and for what Office or Situation, and the Aggregate Amount received by each in the year for all such offices or Employments; and stating the dates of Appointment to each Office, Employment and Situation, the Authority by which appointed, and the Tenure by which held; also, whether there are any duties to be performed, and whether the duties of those Offices are performed wholly in Person or by Deputy or Deputies, and what Pay, Allowance, Fees or Emoluments each of such

Deputies receives, and whether paid by the Principal of the Office or by the Government or other Funds, or by Fees, and how much by each; showing also from what Funds, *British* or *Colonial*, any and all of the Pay, Pension, Superannuated or other Allowances and Emoluments are paid:—Also, A RETURN of all Grants of Land or other Public Property made at any time by the *British* Government, or the Governments of *Upper* and *Lower Canada*, to any of the Members of those Councils or Houses of Assembly, or to any of their children, stating the date and extent of each such Grant.

A RETURN of the TITLES of all BILLS of a Public or General character, which, having originated in the Houses of Assembly of *Upper* and *Lower Canada* during any of their ten last Legislative Sessions, were rejected or declined to be acted upon by the Legislative Councils of those Colonies; or which, having been so sent up, were altered by the Legislative Councils so as to cause their subsequent rejection in the House whence they originated; or which having originated in, and been passed by the Legislative Council, were afterwards rejected by the Assembly; stating also the TITLES of any BILLS, which having been passed in the Legislative Council and Assembly of either Province have been refused His Majesty's Sanction.

(SO FAR AS RELATES TO UPPER CANADA.)

R. W. HAY.

*Colonial Department, Downing Street, }  
1 June, 1833.*

(*Mr. Hume.*)

*Ordered, by the House of Commons, to be Printed,  
25 June, 1833.*

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### LIST.

- 1.—LETTER from Lieutenant Governor Sir John Colborne to the Right Hon. Lord Viscount Goderich, dated 28 March, 1833.
- 2.—A RETURN of the Names of the Members of the Legislative and Executive Councils and House of Assembly,

on the 1st of July, 1832, stating the various Offices, Employments and Public Situations each of them held under the British and Colonial Governments.

- 3.—List of the Titles of all Bills of a Public or General character, which, having originated in the House of Assembly during the ten last Legislative Sessions, were rejected or declined to be acted upon by the Legislative Council so as to cause their subsequent rejection in the House whence they originated; or which having originated in, and been passed by the Legislative Council, were afterwards rejected by the Assembly:—Also, of the Titles of Bills, which having been passed in the Legislative Council and Assembly have been refused His Majesty's sanction,

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### Upper Canada Legislature.

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- (1.)—LETTER from Lieutenant Governor Sir *John Colborne* to the Right Hon. Viscount *Goderich*.
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Upper Canada, York, 28th March, 1833.

MY LORD,

With reference to Your Lordships Despatch of the 20th August last, I have the honour to forward the accompanying Returns, containing the information requested in the Address to the King from the House of Commons on the 10th of August; and to observe, that in consequence of the delay experienced in procuring a statement from each Member of the Legislative Council and of the House of Assembly, of the grants of land received from His Majesty's Government, this document could not be sooner prepared.

I have, &c.

(Signed)

J. COLBORNE.

The Right Hon. Lord Viscount GODERICH,  
&c. &c. &c.

(2.) A RETURN of the Members of the LEGISLATIVE and July, 1832, stating the various Offices, Employments and Colonial

NAME.	Offices, employment, and Public Situations, Clerical and Law, held by each member.	Account of the pay, salary and allowances, and amount of fees, and other emoluments received by each officer.		Amount of Pension or gratuity received for what he or she has done.	Aggregate amount received in the year for all Offices and Emoluments.	Date of Appointment to each office, Employment or Situation.
		£ s. d.	£ s. d.	£ s. d.		
<b>LEGISLATIVE AND EXECUTIVE COUNCILLORS.</b>						
James Baby,	Inspector general of Public Accounts - Executive Councillor,	615 .. .. } 100 .. .. }	- - - - }	- - - - }	715 .. .. } sterling. }	{ Feb 1815 July '92
John M'Gill,	late Receiver-general.	- - - -	450 .. ..	- - - -	450 .. .. } sterling }	16 Jan. 1816
Thomas Clark,	- - - -	- - - -	- - - -	- - - -	- - - -	- - - -
Wm. Dickson,	- - - -	- - - -	- - - -	- - - -	- - - -	- - - -
Wm. D. Powell,	late Chief Justice,	- - - -	1000 .. ..	- - - -	1000 .. .. } sterling. }	1 Oct. 1815
Geo. Crookshank,	late Commissary Genl	- - - -	136 17 6 } sterling. }	- - - -	136 .. .. } sterling. }	- - - -
John Strachan,	Archdeacon of York, Executive Councillor,	300 .. .. } 100 .. .. }	- - - - }	- - - - }	670 .. .. }	{ 12 Oct. 1827 1815
Joseph Wells,	President of the Gen. Board of Education, Executive Councillor,	250 .. .. } 160 .. .. }	- - - - }	- - - - }	465 .. .. }	{ 1821 7 Apr. 1831
Duncan Cameron,	Bursar of the University of King's College, Treasurer U. C. Coll Special Receiver of Forfeited Estates, Secretary & Registrar	135 .. .. } - - - - }	250 .. .. }	- - - - }	465 .. .. }	{ 1 Jan. 1825 1830
		300 .. .. } 625 continued in lieu of } 1830 counting on 1st Dec. } 1830 .. .. }	- - - - }	- - - - }	1116 .. .. }	{ 1820 3 Mar. 1818

EXECUTIVE COUNCILS and HOUSE OF ASSEMBLY on the 1st Public Situations; each of them held under the British and Government.

Authority; and the Tenure by which each appointment is held.	Whether there are any Duties to be performed, and whether performed wholly in Person, or by Deputy or Deputies.	Amount of Pay, Allowances, Fees or Emoluments each Deputy receives, & whether paid by the Principal of the Office, or by the Government or other Funds, British or Colonial.	A Statement of all Grants of Land or other Public Property received at any time from the British Government, or by the Governments of Upper or Lower Canada, to himself or any of his Children, with the date and extent of such grant.		
			Date of Grant.	No. of acres.	Total.
Sir G. Drummond	Various duties,	- - -	13 July 1797	1*	7,304
His Majesty's mandamus.	Performed in person,	- - -	14 .. 1798	100	
His Majesty,	- - -	- - -	1 .. 1799	5,000	5,500
- - -	- - -	- - -	1795	2,500	
- - -	- - -	- - -	1798	3,000	2,414½
- - -	- - -	- - -	1794	200	
- - -	- - -	- - -	1802	400	1,200
- - -	- - -	- - -	1808	600	
- - -	- - -	- - -	1822	1,200	800
- - -	- - -	- - -	1815	14½	
His Majesty's mandamus	- - -	Grantees.	- - -	400	16,903
- - -	- - -	W. D. Powell, junr	10 Feb. 1797	800	
- - -	- - -	- - -	1 Dec. ..	1,000	2,000
- - -	- - -	- - -	1 May 1798	300	
- - -	- - -	- - -	.. ..	1	900
- - -	- - -	- - -	23 .. 1802	900	
- - -	- - -	- - -	.. ..	800	700
- - -	- - -	- - -	20 .. ..	700	
- - -	- - -	W. D. Powell, junr	1 Mar. 1797	1	40
- - -	- - -	- - -	27 May ..	200	
- - -	- - -	- - -	2 Dec. 1802	40	560
- - -	- - -	- - -	3 Aug. 1799	560	
- - -	- - -	- - -	10 .. 1801	400	1,200
- - -	- - -	- - -	9 Jan. 1798	1,200	
- - -	- - -	Miss Ann Powell,	.. ..	1,200	1,200
- - -	- - -	Mr. Grant Powell,	.. ..	1,200	
- - -	- - -	Miss Elizabeth Powell,	.. ..	1,200	1,200
- - -	- - -	Miss M. B. Powell,	.. ..	1,200	
- - -	- - -	Mr. Jas. Powell,	.. ..	1,200	1,200
- - -	- - -	Mr. Thos. Powell,	.. ..	1,200	
- - -	- - -	Mr. John Powell,	.. ..	1,200	800
- - -	- - -	- - -	1 May ..	1	
- - -	- - -	Grant Powell,	24 Sep. 1822	800	800
- - -	- - -	John Powell,	20 June 1823	800	
- - -	- - -	- - -	31 Dec. 1798	1,200	1
- - -	- - -	- - -	1804	1	
- - -	- - -	- - -	30 May 1818	800	2,000
His Majesty,	Various duties; performed in person,	- - -	28 Feb. 1801	1,200	
His Majesty's mandamus,	(son)	- - -	6 July 1823	2,000	1
- - -	- - -	- - -	5 Jan. 1808	1	
- - -	- - -	- - -	16 Jan. 1818	1	1,200
Sir P. Maitland, His Majesty's mandamus,	- - -	- - -	- - -	1,200	
Sir P. Maitland, Ditto,	Various duties; performed in person,	- - -	- - -	1,200	1,200
Ditto,	(son)	- - -	- - -	1,200	
His Majesty's mandamus & commission under the great seal of the Province,	Various duties; performed in person and assisted by deputy.	£150 by warrant out of the Provincial fund.	Jan. 1809	1,200	100
- - -	- - -	- - -	5 Oct. 1824	100	
- - -	- - -	- - -	9 July 1832	700	2,000
- - -	- - -	- - -	- - -	200	

\* Town Lot.

NAME.	Officers, employment and public situations, Clerical and Lay, held by each Member.	Amount of the pay, salary and allowances, and amount of fees and other emoluments received by each officer.	Amount of Pension, gratuity or retired allowances, & for what office or situation.	Aggregate amount received in the year for all offices or employments.	Date of appointment to each office, employment or situation.
		£ s. d.	£ s. d.	£ s. d.	
Leg. & Executive Councillors—con'd.					
G. H. Markle,	Executive Councillor, Registrar Kings College,	100 . . . .	- - -	400 steg.	6 July '27 5 Sep '28
	Secretary & Receiver Clergy Corporation.	135 . . . .	- - -		
	Secretary & Treasurer Board of Education.	80 . . . .	- - -		
John H. Dunn,	Receiver General,	1980 . . . .	- - -	1,080 steg.	- Apr '20
William Allan,	- - - -	- - -	- - -	- - -	- - -
Wm. Campbell,	Late Chief Justice, Commissioner of Crown Lands,	- - -	1200 sterling	1,200	17 Oct 1825
Peter Robinson,	Executive Councillor, Surveyor General of Woods,	500 . . . . 100 . . . . 500 . . . .	- - -	1,100	1827
Charles Jones,	- - - -	- - -	- - -	- - -	- - -
James Gordon,	- - - -	- - -	- - -	- - -	- - -
John B. Robinson,	Chief Justice of the Province, Speaker of the Legislative Council,	1500 . . . . 300 . . . .	- - -	1,860 steg	July 1820 Jan 1820
Alex. M'Donnell,	Inspector of Shops, Still and Tavern Licences, H. District, Late Assistant Secretary, Indian Department, U. C.	90 p'cent 31 7 9 fees.	- - -	206 11 1 Sterang.	Oct 1825 June '16
Z. Burnham,	- - - -	- - -	85 3 4	- - -	- - -
John Elmsley,	Executive Councillor, Reduced Lieut. Royal Navy,	- - -	- - -	91 5 . .	20 Sep '20 17 Aug '24
A. Baldwin,	- - - -	- - -	- - -	- - -	- - -
Jno. H. Hamilton,	- - - -	- - -	- - -	- - -	- - -
Walter Boswell,	Commissioner on Half Pay, Royal Navy,	- - -	150 . . . .	150 . . . .	1814
Peter Adamson,	Reduced Major,	- - -	173 7 6	173 7 6	- - -
James Kerby,	Reduced Major, Incorporated Militia, U. C.	- - -	173 7 6	173 7 6	- - -
John Kerby,	- - - -	- - -	- - -	- - -	- - -
James Crooks,	- - - -	- - -	- - -	- - -	- - -
Alex. M'Donnell,	Bishop of Eglepole,	600 . . . .	- - -	600 . . . .	1821
Alexander Grant,	- - - -	- - -	- - -	- - -	- - -
Arthur Lloyd,	- - - -	- - -	- - -	- - -	- - -

# COUNCILS AND ASSEMBLY OF UPPER CANADA. 251

Authority; and the Tenure by which each appointment is held.	Whether there are any Duties to be performed, and whether performed wholly in Person, or by Deputy or Deputies.	Amount of Pay, Allowances, Fees or Emoluments each Deputy receives, and whether paid by the principal of the office or by the Government or other funds, British or Colonial.	A Statement of all Grants of Land or other Public Property received at any time from the British Government, or by the Governments of Upper or Lower Canada, to himself or any of his children, with the date and extent of such grant.	
			Date of Grant.	No. of acres Total.
His Majesty, -	-	-	30. Oct. 1810	2-5
Lieut. Governor,	Various duties; performed in person.	.	28 Feb. 1818	200
- Ditto -			5 May 1819	400
- Ditto -			1 .. 1817	2-5
Under Great Seal of England,	Duties performed in person.	.	1801	600
-	-	-	-	600
-	-	-	-	1,000
-	-	-	-	1,200
The King, under the Sign Manual,	Various duties; performed in person.	.	12 Nov 1812	1,200
-			16 Jan 1816	200
-			12 July 1820	1
-	-	-	.. ..	800
-	-	-	16 Feb 1808	1,000
-	-	-	9 July 1802	200
-	-	-	-	800
-	-	-	1818	600
-	-	-	1821	500
By Commission under the Great Seal of the Province,	Duties performed in person.	.	1813	200
Colonial Acts, -			..	1,000
-			1821	500
-	Duties performed in person,	.	1784	2,000
-	-	-	-	1
-	-	-	-	100
-	-	-	-	1
Commander of the Forces, U. C.	-	.	1808	400
-	-	-	1824	300
His Majesty's Admiralty,	Duty performed in person,	.	-	1,200
-	-	-	-	1,200
Lords Commissioners of the Admiralty,	-	.	1818	1,000
-	-	-	..	200
-	-	-	29 Oct 1821	1,000
-	-	-	-	1,200
-	-	-	-	1,000
-	-	-	-	200
-	-	-	11 Nov 1806	1,200
-	-	-	-	800
-	-	-	-	1
-	-	-	-	1-4
-	-	-	-	170
-	-	-	his wife	200
Recommendation of the British Government. Appointment of the See of Rome,	Duty for some years performed in person,	£500 from U. C. Government, out of Canada Company's Funds; 100/ from the Government of Lower Canada,	1802	1,200
-	-	-	1827	1,200
-	-	-	-	200
-	-	-	1820	1,200
-	-	-	-	200
-	-	-	-	1,200

NAME.	Offices, Employments, and Public Stations, Clerical and Lay, held by each Member.	Account of the pay, salary and allowances, and amount of fees and other emoluments received by each officer.	Amount of Half pay, pension, or gratuity allowed, and for what office or situation.	Aggregate amount received in the year for all offices or employments	Date of Appointment to each office, employment or situation
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Leg. & Executive Councillors—con'd.					
Abraham Nelles,					
MEMBERS OF THE ASSEMBLY.					
B. C. Beardsley,					
H. J. Boulton,	H. M.'s Att'y General,	300 . . . .	. . . .	300 . . . .	July 1829
Wm. Berezy,	Judge W. Dist. Court,	10 . . . .	. . . .	10 . . . .	5 Apr. 1826
M. S. Bidwell,					
G. S. Boulton,	Registrar of co. of Northumberland,	70 . . . .	. . . .	70 . . . .	July 1824
John Brown,					
Wm. Baell,					
Maldon Barwell	Registrar co. of Middlesex,	84 4 8 . . . .	. . . .	} 100 13 8	} 1809
	Collector of Customs,	76 9 . . . .	. . . .		
John Campbell,					
Wm. Chisholm,	Deputy Postmaster,	20 . . . .	. . . .	20 . . . .	1824
John Clark,					
John Cook,					
Wm. Crooks,					
Chas. Duncombe,					
Wm. Elliott,					
A. Fraser,	Reduced qr. master into Canadian Reg't,	. . . .	51 . . . .	54 . . . .	. . . .
R. D. Fraser.	Collector of Customs,	152 6 6 . . . .	. . . .	152 6 6 . . . .	30 Dec 1821
C. A. Hagerman,	Solicitor General,	200 salary } 350 fees, }	. . . .	550 . . . .	April 1829
M. M. Howard,					
Thomas Hornor,	Registrar co. Oxford,	102 10 . . . .	. . . .	102 10 . . . .	June 1800
W. B. Jarvis,	Sheriff Home District,	100 salary } fees from } £400 to } £800 }	. . . .	From £761 to £1,100 out of which there are large disbursements, not amount, (including salary) for last year, £550.	May 1827
Henry Jones,	Postmaster town of Brockville	90 . . . .	. . . .	90 . . . .	Mar. 1820



# COUNCILS AND ASSEMBLY OF UPPER CANADA. 253

Authority: and the Terms by which each appoint- ment is held.	Whether these are Duties to be per- formed, and whether performed wholly in person, or by Deput- y or Representative.	Amount of Pay, Emoluments, Fees or other Beneficials, each Deputy receives, and in case of the office or by the govern- ment or other means, British or Colonial.	A Statement of all Grants of Land or other Public Property received at any time from the British Government, or by the Governments of Upper or Lower Canada, to himself or any of his children, with the date and extent of such grant.	Date of Grant	No. of acres	Total.
				1793	200	} 2,000
				1794	200	
				1797	600	
				1823	800	
		His son,		1827	200	
				3 Feb. 1793	1	1
Great Seal, Great Seal of the Province	Wholly in person In person			1818	2,400	2,400
Privy Seal of the Lieut. Govern.	Duties generally performed by Deputy	£25 paid by Prin- cipal,		1822	600	600
					200	200
Under Provincial Statute, H. Majesty's Gov.	Duties sometimes performed by De- puty.	All emoluments due to the Prin- cipal.		1819	1,000 2,200	3,200
Deputy Postmas- ter Gen. Quebec.	Duty performed by Deputy.	No stated sum.		1811	200	200
				1802	200	200
				1820	100	100
					1,000 800	2,000
				1822	500	1,400
				1816	600	} 500
				1813	500	
Lieutenant Gov- ernor	Duties requiring three Deputies.	One Deputy at £29 per annum; two receive one- fourth of their seizures.		2 May 1802	200 800	1,000
Patent	Duty performed in person.			1814	1,000 200 1,200	2,400
Lieutenant Gov- ernor Hunter.	Duty performed by Deputy.	Deputy receives emoluments during absence of duty.			600	600
Great Seal of the Province.	By Principal as stated by Deput- y and staff.	Deputy receives one-fourth of the emolu- ments.				2
Deputy Postmas- ter General of British North America.	Duties performed of the Postmaster the duty is per- formed by a clerk.	The clerk re- ceives £50 per annum out of the emoluments re- ceived by Prin- cipal.		1 June 1825	500	500

NAME	Office, establishments, and Public Stations, Clerical and Pay held by each member	Amount of	Amount of	Aggregate amount received by the year for all Offices and Establishments.	Date of Appointment to each Office, Employment or Situation.
		Salary, and Pension, and other moneys received by each member.	Health Pay, or retired allowance, and other moneys received by each member.		
Members of Assembly—cont'd.		£ s. d.	£ s. d.	£ s. d.	
Jesse Ketchum,	- - -	- - -	- - -	- - -	. . .
John B. Lewis,	- - -	- - -	- - -	- - -	- - -
James Lyon,	- - -	No Return	- - -	- - -	- - -
Duncan McCall,	- - -	- - -	- - -	- - -	- - -
Archd. M. Donald,	- - -	- - -	- - -	- - -	- - -
Donald M. Donald,	Treasurer Ottawa District,	30 . . .	- - -	30 . . .	1822
Archd. M. Lean,	Speaker, House of Assembly, Registrar, Stormont & Dundas, Registrar, Surrogate Court, & Clerk of the Peace,	180 . . . 74 14 5 17 8 . . 162 3 . .	- - - - - - 187 15 . . - - -	562 1 1/2	. . . 16 Feb '17 3 Apr . . 25 Jan '17
Alex. McMartin,	Postmaster, . . .	6 10 . .	- - -	6 10 . .	1825
Allen Mc Nab,	- - -	- - -	- - -	- - -	. . .
Jean B. Macdon,	- - -	- - -	- - -	- - -	. . .
William Morris,	- - -	- - -	- - -	- - -	. . .
Roswell Mount,	- - -	- - -	- - -	- - -	. . .
Wm. H. Merritt,	Collector of Customs, Deputy Postmaster, St. Catharines,	100 . . . 50 . . .	- - - - - -	150 . . .	. . . . . .
Hiram Norton,	- - -	- - -	- - -	- - -	. . .
Peter Perry,	- - -	- - -	- - -	- - -	. . .
Hamact Phipps,	- - -	- - -	- - -	- - -	. . .
Robert Randall,	- - -	- - -	- - -	- - -	. . .
Wm. B. Robinson,	- - -	- - -	- - -	- - -	. . .
John P. Roblin,	- - -	- - -	- - -	- - -	. . .
James H. Cameron,	- - -	- - -	- - -	- - -	. . .
Absalom Shole,	Deputy Postmaster,	12 10 . .	- - -	12 10 . .	1824
Peter Shaver,	- - -	- - -	- - -	- - -	. . .

# COUNCILS AND ASSEMBLY OF UPPER CANADA. 255

Authority: and the Tenure by which each appoint- ment is held.	Whether there are any Deputies, and whether the duties are performed by the Principal or Deputy, (see Regs. . .)	Date of Grant of Pay, Allowances, Fees or Emoluments, & of Deputy received, & whether paid by the Principal or the De- puty, by the Go- vernment or other Fund, British or Colonial.	A Statement of all Grants of Land or other Public Property received by any Unit from the United Government, or by the Government of Upper or Lower Canada, in the year or during the said year, with the date and extent of the grant.		
			Date of Grant.	No. of Acres.	Total.
			9 . . . 1804	200	200
				809 19 1	811
			1819	800	800
By magistrates of the District at the General Quarter Sessions of the Peace,	Duty performed by Deputy,	Deputy receives all fees.			
Lieutenant Governor,	By Deputy du- ring absence of Principal,	Deputy Co-Ser- geant, £50 per annum, Deputy for Dun- dun, £100 per annum, wholly by Principal,	1816	500	1,000
			1823	500	
Deputy Postmas- ter General,	During the ab- sence of Principal duty is performed by a Deputy,	Deputy receives the percentage in full,	1811	200	200
			31 July 1817	500	500
			41 Dec. 1820	400	400
				1,000	1,000
			1822	200	200
Lieutenant Gov- ernor, Deputy Postmas- ter General,	Duties wholly performed by De- puties,	The Deputies re- ceive all the em- oluments arising from the discharge of their duties.	19 Feb. 1816	200	1,000
				800	
			1813 or 1820	1,000	1,000
			23 Feb. 1800	1,000	1,000
			3 Dec. 1820	200	200
			1829	200	200
			1823	½	½
Deputy Postmas- ter General,	By Deputy during absence of the Principal,	Deputy receives all emoluments.			
			1800	200	700
			1839	500	

NAME.	Officers, employment and public situations, Clerical and Lay, held by each member.	Account of	Amount of	Aggregate	Date of ap- pointment to each office, employment or situation.
		the pay, salary, &c. allowed, amount of fees and other emoluments received by each officer.	Half pay, Pension, gratuity or retired allowances, &c. for what office or situa- tion.		
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Hugh C. Thomson	Deputy Clerk of the Crown, Midland Dist.	20 . . . .	- - - -	20 . . . .	1831
F. Vankoughnet,	- - - -	- - - -	- - - -	- - - -	- - - -
Asa Werden.	- - - -	- - - -	- - - -	. . . .	. . . .
Euben White.	- - - -	- - - -	- - - -	. . . .	. . . .
John Willison,	Inspector of Shop, Still & Innkeepers' Licen- ces.	54 . . . .	- - - -	54 . . . .	April 1815
Wm Wilson.	- - - -	- - - -	- - - -	. . . .	. . . .

Each Member of the House of Assembly is allowed the sum of

Authority; and the tenure by which each appointment is held.	Whether there are any duties to be performed, and whether performed wholly in Person, or by Deputy or Deputies.	Amount of Pay allowances, fees or emoluments each Deputy receives, and whether paid by the principal of the Office, or by the Government or other funds, British or Colonial.	A statement of all Grants of Land or other public property received at any time from the British Government or by the Governments of Upper, or Lower Canada, to himself or any of his children: with the date and extent of such Grant.		
			Date of Grant.	No. of acres.	Total.
Clerk of the Crown,	Duty performed in person,	. . . .	1815 1816 1817 1819	200 200 1 1	402
- - - -	- - - -	. . . .	23 Mar. 1818 3 Sep. . . 3 Dec. . .	200 1 506	761
- - - -	- - - -	. . . .	. . . .	1 2	1 1/2
Lieutenant Governor,	Duty performed in person,	. . . .	1806 1812	200 200	400
- - - -	- - - -	. . . .	. . . .	. . . .	-

30s per day during attendance upon his Parliamentary duties

(3.)—LIST of the TITLES of all BILLS of a Public or General character, which, having originated in the House of Assembly during the Ten last Legislative Sessions, were rejected or declared to be acted upon by the Legislative Council, or which having been so sent up, were altered by the Legislative Council, so as to cause their subsequent rejection in the House whence they originated; or which having originated in, and been passed by the Legislative Council, were afterwards rejected by the Assembly; also of the TITLES of BILLS which, having been passed in the Legislative Council and Assembly, have been refused His Majesty's Sanction.

*Fourth Session, Eighth Provincial Parliament. (1824)*

Titles of Bills originated in the House of Assembly, and rejected by the Legislative Council, or declared to be acted upon by that House:

An Act to repeal part of, and to amend an Act passed in the 59th year of the reign of his late Majesty George the Third, intituled, "An Act for granting to His Majesty a duty on Billiard Tables."

An Act to divide the county of Huxton, in the Gore District.

An Act to repeal the 15th clause of an Act passed in the 38th year of his late Majesty's reign, intituled, "An Act for the better division of this Province, and to declare the counties of Lennox and Addington separate and independent Counties."

An Act to confirm certain Marriages in this Province.

An Act to authorize Ministers of the Society of Methodists to solemnize marriages in this Province.

An Act to provide for the erection of the county of Prince Edward into a separate District; and for other purposes therein mentioned.

An Act to amend the laws now in force respecting the Courts of Probate, and Surrogate Courts in this Province.

An Act to repeal part of the sixth clause of an Act passed in the second year of His Majesty's reign, chapter third, and also part of the 23d clause of an Act passed in the 38th year of his late Majesty's reign, intituled, "An Act for the better division of the Province, and to provide for the better division of the District of Newcastle."

An Act to repeal an Act passed in the 44th year of the reign of His late Majesty George the Third, intituled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquility thereof."

An Act to repeal part of and extend the provisions of an Act passed in the 38th year of his late Majesty's reign, intituled, "An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships of this Province."

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council:

An Act to repeal the Laws now in force for the preservation of

the Salmon Fishery in this Province, and to make more effectual provision for a limited time, for the preservation of the said Fishery.

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly :

An Act to repeal an Act of Parliament made in England in the 21st year of the reign of his late Majesty King James the First, intitled, "An Act to prevent the destroying and murdering of Bastard Children," and to make other provisions in lieu thereof.

An Act to make further provision for settling the affairs of the pretended Bank of Upper Canada.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

None.

*First Session, Ninth Provincial Parliament. (1825.)*

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

An Act to extend to Persons charged with Felony the full benefit of Counsel.

An Act to authorize the Governor, Lieutenant-governor, or person administering the Government, to declare, by proclamation, the county of Prince Edward to be a separate District.

An Act to remove certain disabilities affecting *Unitas Fratrum*, or the United Brethren, Quakers, Menomists, Tinkers and Moravians, so far as to enable them to hold places of trust and profit in this Province.

An Act to incorporate sundry persons under the style and title of the Trustees of the Waterloo School-house, in the township of Kingston.

An Act to repeal an Act passed in the 44th year of his late Majesty's reign, Chap. 1. intitled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof."

An Act to enable certain Religious Societies to hold Lands for the purposes therein mentioned.

An Act to provide for the payment of Wages to Representatives of Towns in this Province.

An Act granting to His Majesty a sum of Money in aid of the Funds for defraying the expense of the Administration of Justice, and support of the Civil Government of this Province.

TITLES of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council :

None.

TITLES of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly :

An Act to repeal the several Laws now in force relating to the late pretended Bank of Upper Canada, and to make further provision for settling the affairs of that institution.

TITLES of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

An Act to alter and amend the Laws now in force for regulating the Commercial Intercourse between this Province and the United States, by land or inland navigation, and to make further provision for the same.

An Act to allow of the evidence of Quakers, Menonists, Tunkers and Moravians or members of the Protestant Church, called "*Unitas Fratrum*," in criminal cases and proceedings

An Act to make perpetual an Act passed in the fourth year of His present Majesty's reign, intituled "An Act granting to His Majesty a sum of money for the purposes therein mentioned."

An Act for the relief of Reuben Alward.

*Second Session, Ninth Provincial Parliament. (1826.)*

TITLES of Bills originated in the House of Assembly and rejected by the Legislative Council or declined to be acted upon by that House :

An Act for allowing persons tried for Felony, the benefit of a full defence by Counsel.

An Act to provide for the payment of the Representatives of Towns in this Province.

An Act for the more equal distribution of the Property of persons dying intestate.

An Act to remove certain disabilities affecting the people called Quakers, Menonists, Tunkers, and Moravians, so far as to enable them to hold places of honour and profit in this Province.

An Act to provide for the erection of the County of Prince Edward into a separate District.

An Act to secure to certain inhabitants of this Province rights and privileges as British subjects.

An Act to provide for the arrest in this Province of certain offenders against the laws of the United States, and for their being delivered to the constituted authorities of the same.

An Act to afford relief to Debtors in execution for debt in certain cases.

An Act to divide the Midland District, and erect the County of Prince Edward into a separate District.

An Act to grant to His Majesty a sum of money for the purposes therein mentioned.



**TITLES** of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council :

An Act to repeal an Act passed in the 41th year of his late Majesty's reign, Chap. 1, intituled, " An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof.

An Act to enable Societies professing Christianity to hold Lands for certain purposes.

An Act to confirm and make valid certain Marriages heretofore contracted, and further to provide for the future solemnization of Marriages within this Province.

An Act to provide for the building a Goal and Court House in the District of Gore, and to authorize the Magistrates to loan a sum of money for that purpose.

**TITLES** of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly :

An Act to repeal the several Laws now in force relating to the late pretended Bank of Upper Canada, and to make further provision for settling the affairs of the said institution.

An Act to confirm and quiet in the possession of their Estates, and to admit to the civil rights of subjects, certain classes of persons therein mentioned.

An Act to render Justices of the Peace more safe in the execution of their duty.

**TITLES** of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

None.

*Third Session, Ninth Provincial Parliament. (1827)*

**TITLES** of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

An Act to allow persons tried for Felony the benefit of full defence by Counsel.

An Act to enable Religious Societies to hold Lands for certain purposes.

An Act to allow the same compensation to Members representing Towns as is now allowed by law to the Representatives of Counties in this Province.

An Act to provide for the erection of the County of Prince Edward into a separate District.

An Act for the more equal distribution of the property of persons dying Intestate.

An Act to authorize the sale of the Clergy Reserves within this Province.

An Act to authorize the use of an Initial Letter in the name of a Deponent making an affidavit in any Court in this Province, when one baptismal name shall be given in full.

An Act to authorize the holding the Courts of Oyer and Terminer, Assize, and Nisi Prius, and General Gaol Delivery, in the District of Ottawa.

An Act to incorporate certain persons by the name of "The Bath School Society."

An Act to authorize the holding of the inferior Courts in each County within this Province as therein mentioned.

An Act to repeal part of, and amend the Law in force for the regulation of Juries.

An Act to confirm and make valid certain Marriages heretofore contracted, and further to provide for the future solemnization of Marriage within this Province.

An Act to compel the several proprietors of Lands adjacent to the principal highway leading through this Province, from the eastern to the western extremity thereof, to perform certain duties upon the said Road, or to place an inhabitant upon such lands within the period therein prescribed.

An Act to repeal the Law now in force establishing District Courts in this Province, and to make further provision respecting District Courts.

An Act to grant to His Majesty a certain sum of money for the purposes therein mentioned.

**TITLES** of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council:

An Act to repeal an Act passed in the 44th year of his late Majesty's reign, intituled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof."

An Act to abolish the punishment of Whipping and Pillory.

An Act to close the proceedings under an Act passed in the 54th year of his late Majesty's reign, intituled, "An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty, after a limited period, and for other purposes therein contained."

**TITLES** of Bills originated and passed in the Legislative Council, and rejected by the Assembly:

None.

**TITLES** of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld:

An Act to provide for the more easy recovery of Estrays.

An Act to repeal part of an Act passed in the 4th year of His present Majesty's reign, c. 5. intituled "An Act to divide the County of Carleton, in the Bathurst District."

An Act to provide for the Naturalization of such persons resident in this Province, at the period therein mentioned, as may not now be entitled by law to be regarded as natural born subjects of His Majesty.

An Act to confirm British subjects in their titles to Real Estates in this Province, derived through Aliens.

An Act to authorize the holding the inferior Courts in the different Counties of this Province, where the same are not now by law holden.

*Fourth Session, Ninth Provincial Parliament. (1828.)*

**TITLES** of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

An Act to repeal an Act passed in the 44th year of his late Majesty's reign, intituled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquility thereof."

An Act for the more equal distribution of the Property of Persons dying Intestate.

An Act allowing persons tried for Felony the benefit of full defence by Counsel.

An Act to repeal part of and amend the Law now in force for the regulation of Juries.

An Act to alter the Law of Imprisonment for Debt.

An Act to provide for a Police in the Town of Belleville.

An Act to erect the County of Prince Edward into a separate District.

An Act to provide for the erection of the County of Norfolk into a separate District, and to re-annex the Townships of Walpole and Rainham to said County, and the better to establish the limits of said County.

An Act to extend the limits of Gaols in this Province.

An Act for the relief of Robert Randal, and to give to the Honourable John Walpole Willis certain powers therein mentioned.

An Act to enable the Canada Company the more conveniently to perfect Titles to Lands sold by them.

**TITLES** of Bills originated in the House of Assembly, but afterwards rejected by that House, by reasons of amendments made to them by the Legislative Council :

An Act for the more easy recovery of Dower.

An Act to amend the Laws respecting the appointment of Overseers of Highways and Pound Keepers.

An Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province.

An Act to ascertain the numbers of the different Religious Denominations within this Province.

TITLES of Bills originated and passed by the Legislative Council, and rejected by the House of Assembly :

An Act to enable Creditors to receive their just Debts out of the effects of their absent or absconding Debtors.

An Act authorizing the formation of Militia Rifle Companies.

An Act directing the proceedings against Forcible Entry and Detainer, and providing a more speedy remedy for Landlords against obstinate Tenants.

An Act to provide for the erection of Partition Fences.

An Act to provide for the more summary punishment of certain Trespassers.

TITLES of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

An Act for the relief of Daniel Erb and other Persons whose names are therein mentioned.

*First Session, Tenth Provincial Parliament. (1829.)*

TITLES of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

An Act to repeal an Act passed in the 56th year of the late King, granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province.

An Act for the more equal distribution of the Property of Persons dying Intestate.

An Act to declare the boundaries of the County of Norfolk, and to erect the same into a separate District.

An Act to enable the denomination of Christians called Unitarians to hold Land for certain purposes therein mentioned.

An Act for the remuneration of Robert Randal, Esq. for valuable services rendered this Province while in England.

An Act to provide for the disposal of a part of the Clergy Reserves in this Province.

An Act for the payment of Wages to Town Members.

An Act to erect the county of Prince Edward into a separate District.

An Act to extend the limits heretofore assigned to the respective Gaols in this Province.

An Act to amend the Law respecting Contracts and Evidence in certain respects.

An Act to amend the Law respecting the Police of the Town of Kingston.

An Act to borrow a certain sum of Money in England.

An Act to grant a certain sum of money to His Majesty for the remuneration of the persons therein mentioned.

An Act to amend the Laws now in force for preventing the sale of Spirituous Liquors without licence.

An Act to authorize the appointment of Commissioners of Roads and other officers for the management of the Highways, at the several Township Meetings within this Province.

An Act to facilitate the issuing, service and return of Process in the District Courts in the several Districts of this Province.

An Act granting to His Majesty a sum of Money for the improvement of the Roads and Bridges in this Province.

An Act to continue for one year certain Acts relating to Shop and Tavern Licences.

An Act to remove difficulty respecting the appropriation of certain Fines imposed by law, and thereby to provide more effectually for the carrying into operation certain Acts for punishing breaches of the Sabbath and other offences.

An Act to repeal an Act passed in the 7th year of His present Majesty's reign, intituled, "An Act to authorize the raising by Debenture a sum of Money, to be applied to erecting Buildings for the use of the Legislature," and to authorize the repair of the old Parliament buildings.

An Act to regulate Partition Fences and Ditches in Sandwich, in the Western District.

**TITLES OF BILLS** originated in the House of Assembly, but afterwards rejected by that House by reason of Amendments made to them by the Legislative Council :

An Act to incorporate the Trustees of the Grantham Academy.

An Act for the appointment of Commissioners to treat on the part of this Province with Commissioners on the part of the Province of Lower Canada, on matters of mutual interest between the said Provinces.

**TITLES OF BILLS** originated and passed in the Legislative Council, and rejected by the House of Assembly :

An Act directing the Proceedings against forcible Entry and Detainer.

An Act to provide for the more summary punishment of certain Trespassers.

An Act to confirm British Subjects in their Titles to Real Estates in this Province derived from or through Aliens.

**TITLES OF BILLS** passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

An Act for the relief of Mary Lawrence.

An Act to encourage Emigration from foreign parts into this Province.

*Second Session, Tenth Provincial Parliament. (1830.)*

TITLES of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House.

An Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province.

An Act to erect the County of Prince Edward into a separate District.

An Act for the more equal distribution of the Property of Persons dying Intestate.

An Act to repeal the law now in force granting a Salary to the Chaplain of the House of Assembly.

An Act to allow persons tried for Felony the benefit of full defence by Counsel.

An Act to incorporate certain persons by the style and title of "The Associated Farmers Company of the Home District, and parts adjacent."

An Act to provide for registering Deeds and other Conveyances within this Province, the same being executed in foreign countries.

An Act to provide for the disposal of a part of the Clergy Reserves in this Province.

An Act to render Sheriffs and their Deputies ineligible to a Seat in the House of Assembly in certain cases.

An Act to declare the Boundaries of the County of Norfolk, and to erect the same into a separate District.

An Act to appoint Commissioners, on the part of this Province, to treat with Commissioners on the part of Lower Canada, on matters of mutual interest.

An Act assigning Yards for the benefit of the health of Debtors confined in the respective gaols in this Province.

An Act concerning the Law of Libel.

An Act to declare and define the duties of Steward.

An Act the better to provide for the return and empannelling of Juries.

An Act to require the Justices of the Peace, and the Treasurers of the several Districts of this Province to publish their District Accounts.

An Act to remunerate Robert Randall, Esquire, for valuable services rendered this Province while in England.

An Act for the better preservation of Salmon within this Province.

An Act to provide for filling vacancies that may occur by the death, removal, or neglect, or refusal to act, by any of the Commissioners appointed by an Act passed in this present Session of Parliament, intituled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in this Province."

An Act to exclude the Judges from the Legislative and Executive Council.

An Act to provide good understanding among neighbours, and to lessen the number of expensive Law-suits, by establishing Courts of Pacification in this Province.

An Act to incorporate certain persons under the style and title of "The President, Directors and Company of the Commercial Bank of Upper Canada."

An Act to relieve the Quakers, Menonists and Tunkers from the payment of Fines or Commutation Money in lieu of the performance of Militia duty in time of peace.

An Act to establish Upper Canada College.

An Act to repeal an Act passed in the 56th year of the reign of his late Majesty, intituled, "An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province."

An Act to provide for the service of process and other legal proceedings upon certain persons carrying on business in this Province under the name and style of the Canada Company.

An Act to continue for a limited time an Act passed in the 4th year of His Majesty's reign, intituled "An Act further to regulate by law the commercial intercourse of the Province of Upper Canada with the United States of America, so far as regards the duty imposed on Cider and Beer."

**TITLES** of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council.

An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Watercourses in the Eastern and Western Districts.

An Act to repeal part of and amend the Laws now in force for preventing the sale of Spirituous Liquors by Retail without Licence.

An Act for the Regulation of District Offices in this Province.

**TITLES** of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly:

An Act for the protection of the interests of certain bodies of Indians in this Province.

**TITLES** of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld:

An Act for the relief of Henry Weeks.

An Act to impose an additional Duty on Shop Licences, and to revive and continue, with modification, for a limited time, the Law which has recently expired for imposing a Duty on Licences to sell, by wholesale, Wine, Brandy and other Spirituous Liquors.

*First Session, Eleventh Provincial Parliament. (1831.)*

**TITLES OF BILLS** originated in the House of Assembly, and rejected by the Legislative Council, or declined to be acted upon by that House :

An Act to allow persons tried for Felony the benefit of full defence by Counsel, and to regulate, in some other respects, the practise in Criminal Cases.

An Act to prevent the consumption of Wine, Brandy, Rum, and other Spirituous Liquors within Shops.

An Act to incorporate certain persons under the style and title of "The President, Directors and Company of the Commercial Bank of Upper Canada."

An Act for incorporating the President and Board of Police of Brockville, and for establishing a Market in the said Town.

An Act to repeal part of, and amend the laws now in force establishing a Police in the Town of Kingston, and to provide for the election of a Council to regulate the Police of the said Town.

An Act granting a sum of money for the encouragement of the Grantham Academy.

An Act granting to His Majesty a sum of money to remunerate Valentine Gill and certain officers and servants, of the Legislature, for services rendered by them.

**TITLES OF BILLS** originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council :

An Act to appoint Commissioners to treat with Commissioners appointed on the part of the Province of Lower Canada, for the purposes therein mentioned.

An Act to make certain regulations relating to the office of Sheriff, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office.

**TITLES OF BILLS** originated and passed in the Legislative Council, and rejected by the House of Assembly.

An Act to remove doubts respecting the Jurisdiction of Commissioners of Customs in this Province.

An Act for the discharge of Debtors in execution for small debts, from imprisonment in certain cases.

An Act to dispense with the necessity of taking certain Oaths and making certain Declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for offices, or for other temporal purposes.

An Act to facilitate summary proceedings before Justices of the Peace, and to afford to such Justices reasonable protection in the discharge of their duty.

An Act to remove doubts respecting the Jurisdiction over Offences committed upon the Lakes and Rivers in this Province.



An Act to prevent the operation within this Province, of an act of Parliament made in England in the 21st year of the reign of King James the First, intituled "An Act to prevent the destroying and murdering of Bastard Children," and to make other provisions for the prevention and punishment of Infanticide.

An Act to provide that none of the Ordinances made by the Governor and Legislative Council of the Province of Quebec, shall continue to have the force of law in this Province.

**TITLES OF BILLS** passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

None.

*Second Session, Eleventh Provincial Parliament. (1832.)*

**TITLES OF BILLS** originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

An Act to repeal so much of the Law now in force as authorizes the payment of a Salary to a Chaplain of the House of Assembly.

An Act concerning the Law of Libel.

An Act to appoint Commissioners to treat with Commissioners appointed or to be appointed on the part of the Province of Lower Canada, for the purposes therein mentioned.

An Act to regulate the Prices to be charged for Printing Official Advertisements.

An Act to repeal part of an Act passed in the 33d year of the reign of King George the Third, intituled, "An Act to fix the time and places of holding the Courts of General Quarter Sessions of the Peace within the several Districts of this Province, and to authorize the holding of the Quarter Sessions of the Midland District at Kingston and Belleville alternately.

An Act to repeal so much of an Act passed in the 59th year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal part of and amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same, as relates to the opening and keeping the District School for the London District at the Town of Vittoria, and to authorize the holding of the said District School at the Town of London in the said District."

An Act to regulate Line Fences and Water-courses.

An Act for the more equal distribution of the Property of Persons dying Intestate.

An Act to allow persons tried for Felony, the benefit of full defence by Counsel, and certain other privileges therein mentioned.

An Act relating to the Bailing, Commitment, Removal and Trial of Prisoners in certain cases.

An Act granting to His Majesty a sum of money, to be raised

by Debenture, and expended in the improvement of Roads and Bridges in the several districts of this Province.

An Act granting a sum of money for the encouragement of the Grantham Academy.

An Act to remunerate the Arbitrator therein referred to for certain services rendered by him.

An Act granting to His Majesty a sum of money for the support of the Civil Government and the Administration of Justice in this Province.

**TITLES OF BILLS** originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council :

An Act to provide for the completion of the Parliament Buildings.

**TITLES OF BILLS** originated and passed in the Legislative Council, and rejected by the House of Assembly :

An Act to provide that none of the Ordinances made by the Governor and Legislative Council of the Province of Quebec shall continue to have the force of law in this Province.

An Act to dispense with the necessity of taking certain Oaths and making certain Declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for Offices, or for other temporal purposes.

An Act to constitute a new Court of Appeal for revising the Judgments of the Court of King's Bench.

An Act to authorize the Transporting of Offenders.

An Act for the relief of Roman Catholic Congregations in this Province.

An Act to facilitate legal remedies against Corporations.

An Act to make further provision for carrying into effect an act passed in the 53th year of the reign of King George the Third, intituled "An Act to afford relief to persons holding or possessing Lands, Tenements or Hereditaments in the District of Niagara."

An Act to protect the interests of persons whose Lands shall be sold for the payment of Assessments in Arrear.

**TITLES OF BILLS** passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

An Act to protect the interests of Captain Alexander Shaw.

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*Third Session, Eleventh Provincial Parliament. (1833.)*

**TITLES OF BILLS** originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

An Act to declare the qualification of Voters for Members to represent certain Towns in the House of Assembly in this Province.

An Act to incorporate certain persons under the style and title of "The President, Directors and Company of the Saint Catharines Bank, in the Niagara District."

An Act to establish a Police in the Town of Prescott, in the Johnstown District.

An Act to repeal part of an Act passed in the 33d year of the reign of King George the Third, intituled "An Act to fix the times and places of holding the General Quarter Sessions of the Peace in the several Districts of this Province; and also to repeal part of a certain other Act passed in the 41st year of the reign of King George the Third, intituled, "An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace and other Courts have been erected and holden, and other matters relating to the administration of justice done in the several Districts of this Province, and also to fix the times of holding the Quarter Sessions of the Peace in and for the same, and to authorize the holding of the General Quarter Sessions of the Peace of the Midland District, at Kingston and Belleville alternately."

An Act to explain the provisions of an Act passed at the last session of the Legislature, intituled, "An Act for altering and amending the Charter of the President, Directors and Company of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company."

An Act to repeal and reduce into one Act the several Laws now in force establishing District Courts, and regulating the practice thereof; and also to extend the powers and jurisdiction of the said District Courts and further to regulate the practice of the said District Courts.

An Act to establish a Police in the town of Cornwall, in the Eastern District.

An Act to authorize His Majesty's Receiver General to issue Provincial Notes, chargeable upon the public Revenues of this Province.

An Act granting to His Majesty a sum of Money to remunerate certain services therein mentioned.

**TITLES** of **BILLS** originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council :

An Act for the more convenient recovery of Estreats.

An Act for amending the Law of Evidence in certain cases.

**TITLES** of **BILLS** originated and passed in the Legislative Council, and rejected by the House of Assembly :

An Act to authorize the transporting of Offenders.

An Act to facilitate the remedy of Replevin.

TITLES of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld:

An Act to extend to certain persons the Civil and Political Rights of Natural born Subjects.

JAMES FITZGIBBON,  
*Clerk of Assembly.*

*Clerk of Assembly's Office,* }  
Yerk, Upper Canada, }  
26 March, 1833. }

LIST of the titles of all the Bills which having originated in the House of Assembly during the two last Sessions of the Legislature 1833-4 and 1835.) were rejected, or declined to be acted upon by the Legislative Council, or which having been sent up were altered by the Legislative Council so as to cause their subsequent rejection in the House whence they originated; or which, having originated in, and been passed by the Legislative Council, were afterwards rejected by the Assembly. Also, of the titles of Bills which having been passed in the Legislative Council and Assembly, have been refused the Royal Assent, or been reserved for the signification of His Majesty's pleasure thereon:

*Fourth Session, Eleventh Parliament, (1833-4.)*

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House.

An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Gore Bank.

An Act to erect the County of Norfolk into a separate District, and to authorise a loan of money for the purpose of building a Gaol and Court House therein.

An Act to repeal an Act passed in the eighth year of His late Majesty's reign, entitled, "An Act to require the Justices of the several Districts of this Province, to publish a statement of their District Accounts" and to make further provision for publishing District Accounts and disposing of the District Funds.

An Act to establish the present survey of certain side Lines in the Second Concession West of Green Point in the Township of Sophiasburg.

An Act to erect the County of Hastings into a separate District.

An Act to incorporate certain persons under the style and title of the President, Directors and Company of the Bank of Cobourg.

An Act affording relief to a Religious Denomination called "Christians."

An Act to encourage the destruction of Wolves.

An Act to incorporate certain persons under the style and title of "The Upper Canada Glass Manufacturing Company."

An Act to incorporate a Joint Stock Company for the Manufacture of Salt, in the Township of Saltfleet, in the District of Gore.

An Act to provide for the sale of the Clergy Reserves in this Province for the purposes of General Education in the same.

An Act to establish a Police in the Town of Cobourg.

An Act appropriating certain monies in the hands of His Majesty's Receiver General raised under the provisions of an Act passed in the second year of His Majesty's reign, entitled, "An Act to impose an additional duty on Licenses to vend Wines, Brandy and Spirituous Liquors, towards the payment of the sum of £25,000, granted for the improvement of the roads and bridges in this Province by an Act passed during the present Session entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts in this Province."

An Act to amend and extend the provisions of an act passed in the third year of His Majesty's reign, entitled, "An Act to raise a sum of money to improve certain roads in the vicinity of the town of York, and for other purposes therein mentioned."

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council.

An Act to declare that certain persons therein described shall not be privileged from Arrest by Mesne Process.

An Act to amend and extend the provisions of an act passed in the fifty-fifth year of the reign of His late Majesty King George the Third, entitled, "An Act to incorporate the Midland District School Society."

Titles of Bills originated and passed in the Legislative Council and rejected by the House of Assembly.

An Act to amend an Act passed in the second year of the reign of His late Majesty King George the IV. entitled, "An Act to repeal part of and amend an act passed in the 37th year of His late Majesty's reign, entitled, 'An act for the better regulating the practice of the Law, and to extend the provisions of the same.'"

An Act to appoint Trustees to carry into effect the provisions of the Will of John White, Esq. deceased."

An Act to enable suitors in the District Courts to procure the attendance of Witnesses from any District in this Province.

An Act to allow the issuing of Writs of Error from the Court of King's Bench.

Titles of Bills passed by the Legislative Council and House of Assembly and reserved for the signification of His Majesty's pleasure.

An Act to authorise the persons therein named to hold or convey certain lands in the Townships of Waterloo and Woolwich in the District of Gore.

An Act to form certain Townships in the London District into a County, and to attach certain Townships to the Counties of Middlesex and Kent in London and Western Districts.

An Act to enable the Executors named in the Will of the late Thomas Stoyell, to carry the provisions of the said Will into effect.

An Act to incorporate certain persons therein mentioned, under the name and style of the Erie and Ontario Rail Road Company.

An Act to extend to certain persons the civil and political rights of natural born subjects.

An Act for imposing a Tax on lands adjoining Canboro' and Simcoe.

An Act to incorporate certain persons for the management of certain Lots of Land in the Township of Sandwich belonging to the Roman Catholic Congregation of the Parish of L'Assomption in the Western District, and for vesting the same in the said Corporation.

An Act to enable John B. Yates, to hold lands in this Province, and for other purposes therein mentioned.

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*First Session, Twelfth Parliament, (1834.)*

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House.

An Act to authorise the Trustees of the Grantham Academy to dispose of real Estate, and for other purposes therein mentioned.

An Act to authorise His Majesty's Justices of the Court of King's Bench to hold a Court of Oyer and Terminer, Assize, of Nisi Prius and of General Gaol Delivery in and for the District of Ottawa.

An Act to amend the Jury Laws of this Province.

An Act to define the limits of the Town of Brantford in the District of Gore, and to establish a Police and Public Market therein.

An Act for the Disposal of the Clergy Reserves in this Province, for the purposes of General Education.

An Act for the more equal distribution of the property of persons dying Intestate.

An Act to grant the sum of Four Hundred Pounds for the construction of a Bridge at Parrott's Bay.

An Act to provide for a Survey in the Township of Loughborough.

An Act to erect the County of Hastings into a Separate District.

An Act to divide the township of Hawkesbury in the Ottawa

District into two separate townships of East and West Hawkesbury.

An Act to repeal the several laws now in force imposing fines on Quakers, Menonists, and Tinkers, for non-performance of Militia Duty in time of Peace.

An Act to incorporate sundry persons under the style and title of the "President, Directors and Company of the Bank of the Niagara District."

An Act granting to Adam Dixon, of Moulinette, in the township of Cornwall, certain privileges contained therein.

An Act to promote Education.

An Act to amend the Court of Requests Law.

An Act to repeal the Law authorising the appointment of a Commission to take the evidence relative to the trial of Contested Elections.

An Act to impose a duty on various articles imported from the United States of America into this Province.

An Act to amend the Charter of King's College.

An Act to promote the freedom, peace and quiet of Elections of Members to represent the several Counties, Ridings, Cities, and Towns in this Province, in the House of Assembly, and further and more effectually to secure the independence of that House by adopting the mode of voting by Ballot.

An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts in this Province.

An Act to form the County of Norfolk into Ridings, and also to erect the same into a separate District, and for other purposes therein mentioned.

An Act to amend the Police Laws of the Town of Prescott.

An Act to authorise the erection of a Mill Dam upon the River Thames in the London District

An Act relating to the granting of the Waste Lands of the Crown.

An Act to authorise the issuing of Licenses for the sale of Wine.

An Act to make a grant to the Grantham and Bath Academies.

An Act to promote the freedom of Elections in the County of Leeds.

An Act to remunerate Francis Hall, Esq., Civil Engineer, for services at the Burlington Bay Canal.

An Act granting further aid to the Burlington Bay Canal.

An Act to provide for holding Elections in the County of Leeds.

An Act granting a sum of money for the improvement of the Harbour at Kettle Creek and for other purposes.

An Act for the relief of John Pearse and others, and to complete the Lock and Canal between Pigeon and Sturgeon Lakes, in the Newcastle District, and for other purposes.

An Act granting to His Majesty a certain sum of money to enable His Majesty to pay to Joseph Turton the balance of his account for work and labour performed by him as Contractor for part of the buildings occupied by the Legislature.

An Act to ensure the more regular and economical printing of

the Statutes of this Province, and of those Statutes of the Imperial Parliament which may concern this Province, to provide that the said statutes be printed by contract, and also for their distribution.

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council.

An Act to naturalize certain persons therein named.

An Act to continue and amend an Act providing a bounty for the destruction of Wolves in the several Districts of this Province. (*Amended by the Legislative Council, and amendments rejected by the Assembly, it being considered a Money Bill.*)

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly.

An Act to allow the people called Separatists to make a solemn affirmation and declaration instead of an oath.

An Act to amend the law respecting Bills of Exchange and Promissory Notes.

An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of the Province, and to repeal the several Laws now in force for that purpose.

An Act for the further amendment of the Law, and the better advancement of Justice.

An Act to make the remedy in cases of seduction more effectual, and to render the fathers of illegitimate children liable for their support.

An Act to allow persons to be admitted Attornies upon a service of five years under articles in the office of the Clerk of the Crown and Pleas.

An Act to abolish the distinction between Grand and Petit Larceny and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers to try all cases of simple Larceny under certain restrictions, and to amend the Laws respecting the Punishment of Larceny.

An Act to constitute a new Court of Appeal for revising the judgments of the Court of King's Bench.

Titles of Bills passed by the Legislative Council and House of Assembly, and reserved for the signification of His Majesty's pleasure.

An Act to confirm British subjects in their titles to real estate derived through Aliens.

An Act to incorporate sundry persons under the style and title of the President and Directors of the Upper Canada Life Insurance and Trust Company.

An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Gore Bank.

An Act altering and amending the charter of the President Directors and Company of the Commercial Bank of the Midland



District, and for increasing the number of Shares to be held in the capital stock of the Company.

An Act for the relief of the Heirs of the late Peter Desjardins.

JAMES FITZGIBBON,  
*Clerk of Assembly.*

Clerk of Assembly's Office, }  
Toronto, April 17, 1835. }

No. 83. (A.)

SESSIONS PAPER (1830.) No. 574.

[*From a Return to an Address of the House of Commons dated 7th of June, 1830.*]

Extract of a despatch from Major-General Sir John Colborne to the Right Honorable Secretary Sir George Murray, dated York, Upper Canada, 16th February, 1829 :

With respect to the constitution of the Executive and Legislative Councils, on which subject you require information, it is evident that whatever persons may be appointed members of the Executive Council, there will be a considerable degree of jealousy existing in this limited community of their influence & authority ; they must necessarily reside at York, and will seldom be able to accept the charge without holding other offices under the Crown. On many accounts it is very desirable that the Chief Justice should retain his seat in the Executive Council ; but there can be no doubt that occasionally he must, as a Judge, be led too deeply into the political affairs of the Colony.

Composed as the Legislative Council is at present, the Province has a right to complain of the great influence of the Executive government in it. The Legislative Council consists of seventeen members, exclusive of the Bishop of Quebec ; of these, from accidental causes, not more than fifteen ever attend to their Legislative duties. Thus, out of the number generally present, six are of the Executive Council, and four hold offices under the Government ; I have, therefore, intimated my intention of recommending to His Majesty's Government to increase the Legislative Council.

It is exceedingly difficult to find persons qualified for it ; but if about eight or ten more can be selected from different parts of the Province, and the majority be considered independent, there can be no good reason assigned for excluding the Executive Council.

Since the date of the despatch from which the above extract has been taken, the Right Rev. Doctor Macdonell, Roman Catholic Bishop, and John Elmsley, Esq. two additional members, have been added to the Legislative Council ; and it is not intended that the Chief Justice of Upper Canada should continue a member of the Executive Council.

Downing-Street, 14th June, 1830.

Q2

*Proceedings in England, with Acts of the Colonial Legislature.*

On the arrival of the Acts of a Session of a Colonial Legislature at the Colonial Office, they are referred by the Secretary of State to the Law Counsel for the Department, who reports on them in point of Law—that is, 1. Whether they are consistent with the Governor of the Colony's Commission and Instructions.—2. Whether in the language of the statute 7 & 8, Will. 3d, ch. 22, sec. 9, they are or are not repugnant to the laws of Great Britain; and 3. Whether each act is so framed as to give full effect to the purposes for which the Colonial Legislature framed it.

The Law Counsel reports to the Secretary of State. The acts thus reported on, and the report, are communicated by the latter to the President of the Privy Council, and laid before the King in Council for his Majesty's consideration. At the then ensuing Council Board, the acts and reports are referred to the Lords of Trade and Plantations, of the Committee of whom the Secretary of State is one. This Committee select the most difficult statutes and get the opinions of the Crown Lawyers upon them.

The Committee then report on the acts under three heads:—

1. Acts disallowed.
2. Acts of public and general importance requiring special confirmation.
3. Ordinary acts left to their operation.

No Colonial acts can be disallowed, save by a regular order of the King in Council.

The Clerk of the Council announces to the Secretary of State the decision of the Council on the acts, which is communicated to the Governor of the Colony, *together with the original order in Council*. A list is also made and sent of acts neither confirmed, nor disallowed, with an intimation that they will be left to their operation.

Comparatively few statutes are either confirmed or disallowed.

No. 34.

DOWNING STREET, }  
29th December, 1832. }

SIR,

I am directed by Viscount Goderich to acknowledge the receipt of your letter dated the 18th instant, and to return you the following answer.

Lord Goderich does not consider it consistent with the duties of his office to enter into any explanation with yourself or with any other private person, of the views which His Majesty's Government may entertain respecting the propriety of dissolving the present Assembly of the Province of Upper Canada.

With respect to the warnings and predictions which you have thought it your duty to address to His Lordship in the name of the people of Upper Canada collectively, not only on the present, but on former occasions, Lord Goderich directs me to say that he cannot acknowledge or suppose that your views are really those of the majority of the inhabitants of that important part of His Majesty's dominions. Opinions directly opposite to those which you maintain, are advanced in petitions addressed to His Majesty, and to the Lieutenant Governor, by bodies of the inhabitants far more numerous than those who have signed the petitions entrusted to your care. With the most unaffected anxiety to consult the deliberate wishes of the people of the Province upon all questions of local interest, Lord Goderich would be acting in direct opposition to that principle, if he were to defer to the desires of the comparatively small minority, for whom you act, rather than to those of the far greater body, by whom the counter petitions have been signed.

With reference to your statement that the question of the Union of Montreal with Upper Canada is "agitated by authority emanating from Downing Street," Lord Goderich directs me to state that he is totally at a loss to understand your meaning, but will be greatly obliged to you if you will place him in possession of proof that any person in British North America or elsewhere has agitated that question under any pretended authority from this Department, because His Lordship would feel it his duty to disavow in the most unqualified terms the having directly or indirectly imparted any such authority to any person whatever.

I am, Sir,

Your most obedient servant,

HOWICK.

W. L. Mackenzie, Esquire.

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No. 35.

*To the Right Honourable Lord Viscount Goderich, His Majesty's Secretary of State Colonial Department, Downing Street.*

2, POLAND STREET, }  
January 9, 1833.

MY LORD,

I greatly rejoice to perceive that Your Lordship is most anxious to consult the deliberate wishes of the people, because I am convinced that the safety, the honour, the strength of governments at a distance, are best preserved

and maintained by ascertaining and following the judgment of the better informed part of the community. Being assured that I am expressing opinions and stating facts relative to Upper Canada in accordance with that public sentiment, and a strict regard for truth, I think it my duty to submit to the government some of the reasons which have led me to conclude (without seeing the "counter petitions") that His Majesty's Government have been deceived, misled, and grossly imposed upon, with regard to the real numbers and character of the memorialists who express "opinions directly" opposite to those which I maintain." I feel assured that upon investigation it will be found there is some mistake in the estimate, and I court that enquiry with the least possible delay—I beg I entreat Your Lordship that I may be permitted to examine the statements and signatures of the supposed "far greater body," spoken of by Viscount Howick in his letter of last Saturday week, as having signed those "counter petitions."

The whole population of Upper Canada, when I left it last April, was believed to be under 240,000, of whom about one-sixth were male adults, capable either of signing their names or making a mark; and if every man of them had come forward to petition His Majesty on the state of the Province—which was not the case—the whole number of petitioners would probably have fallen below 40,000.

It is a fact of which I have a distinct personal knowledge that the number of signatures attached to the petitions addressed to the King and entrusted to my care, far exceeded 20,000, and that these petitions were agreed upon at from one to two hundred District, County, Town, Township, and Village public meetings, at which vast numbers of the people attended. If, then, a large majority of the whole population capable of petitioning, entrusted their Addresses to your humble correspondent, Your Lordship cannot have received through the Lieutenant Governor petitions of an opposite character signed by a still greater number of persons. Either I have been the bearer of spurious petitions, or a great part of the addresses sent by Sir John Colborne deserves that designation—unless indeed it be assumed that thousands of the good people of the Colony signed first on the one side, and then went & affixed their names on the other "for uniformity's sake," certainly a very improbable surmise, when their high character for integrity and intelligence is taken into consideration.

If I could have doubted for a moment as to whether I was expressing the deliberate opinions of the people of Upper Canada, I never would have consented to cross the Atlantic upon such an errand as has now detained me here se-

ven months, and which to all appearance is likely to hinder me seven more. Although the popular representation is very imperfect, and the influence of the Executive Government, and the monopolies which uphold it, very great, Your Lordship will do me the justice to keep in memory that I have continually pressed upon the attention of Government a dissolution of the Legislature, and the calling of a new Provincial Parliament as the only true way of ascertaining public opinion. *What could the petitioners by me have gained by a dissolution if they had not felt beyond a shadow of doubt that they were strong enough in numbers, wealth and respectability, to counteract the whole influence of the Executive now upheld in Upper Canada to the injury of the British Nation, and in despite of the people of the Colony?* If your Lordship will cast a glance over the petitions you will find that it is through the House of Assembly the petitioners propose to carry into effect nearly all these plans of reform & improvement to which they solicit Your Lordship's countenance. It would have been quite a Quixotic project to send me here at a vast expense to pray the dissolution of the present House if the petitioners had not felt perfectly secure that they could send a very different class of members to the new one. I assured Your Lordship in presence of Mr. Hume and Mr. Viger, on the very first day Your Lordship honored me with an audience, that if that point alone was gained before the then next annual session I should return to Upper Canada well satisfied that I had no doubt the petitioners would be so also. But instead of a dissolution we had the Legislature hurried prematurely into session, and expulsion, not by a majority, but by a few government functionaries, not one half the House being in attendance.

Your Lordship will remember that, in 1828, the Wesleyan Methodists and Protestant Dissenters, from one general and thirty-nine local committees, humbly petitioned the House of Commons against Dr. Strachan's misrepresentations, and in favour of equal religious privileges, and that their petitions signed by 8,000 men and presented by Mr. Hume, on the 3rd of May were referred to the Canada Committee of the House of Commons whose favorable report thereon, it has not pleased His Majesty's Government, thus far, to act upon. I appear here as a member, and the accredited agent of the general committee to whom these 8,000 men entrusted their memorials, and whatever may be the number of signatures sent to your Lordship's office, by Sir John Colborne. I would require very powerful evidence indeed to induce me to believe that public opinion had changed on the important questions these petitions embrace. I am the same person who procur-

ed from a large majority of the present House of Assembly, the explicit declaration recorded on its journals, in favour of the principles laid down in these petitions and against the recognition of exclusive, dominant religious establishments. Therefore, it was, most probably, that I was unanimously selected to support the same opinions here.

I appear as the accredited agent of the Committee of Friends of Civil and Religious Freedom, of all denominations whose petitions signed by 10,000 freeholders and inhabitants, Mr. Hume presented to the House of Commons in 1831, Mr. Hume, as well as Captain Ryerson assured the people of Canada that the Reform Ministry would carefully enquire into the allegations of the petitioners. Years have elapsed, but their complaints remain unredressed; and what is worse than all, I am now informed that the petitioners are in the minority. On the merits of their case nothing is said, but I can readily infer that on this ground also, they are held to have been found wanting, and that Governor Colborne's squabbles with the Methodists are justified.

I was the bearer, this summer, of the petitions of 10,000 inhabitants of Upper Canada, praying for a change in the character of the Legislative Council, an enquiry into the conduct of the Lieutenant Governor, and the redress of many grievances. These petitions were presented to the House of Commons by Mr. Hume, who informed me, as I did the petitioners, that the Government would cause full enquiry to be made. I must suppose that this has been done; and after an interval of six months, at length I am assured by your Lordship that the petitions do not express public opinion.

A majority of all the male adult population of Upper Canada have expressed their opinions and wishes in 61 humble and respectful addresses to the King during the last 18 months.—Of these addresses and memorials, two, not numerously signed, were presented to His Majesty by Lord Brougham; one from Hastings, reached your Lordship with some difficulty through the Post-office and Home Department; and the rest I remember having personally deposited in the Colonial Office at several times myself. Even this indication of public sentiment appears to have been neutralized, as well in regard to the merits of the case, as by a far greater majority of the signatures of persons holding opinions directly opposite, and compared to whom the Reformers of Upper Canada are “a comparatively small minority.”

I have long and successfully advocated the principles embraced in the petitions I brought over, both within and without the walls of the House of Assembly.—And as the representative of a sixth at least of the whole Colony, I thought I

might be entitled to be considered by His Majesty's Government on that ground alone a tolerably fair indication of public opinion in that District where the acts of the Government are best known.

According to my understanding of Viscount Howick's letters of the 23d and 29th of June, and 29th of December last, your Lordship has laid down several rules or principles for the guidance of those who sent me here. I humbly ask leave to apply these rules or principles to the case of the petitioners.

I am told, that the unauthorized statements of individuals are not to be received in opposition to those of the Assembly of Upper Canada, and that your Lordship is convinced that all classes of the inhabitants are fairly represented in the House of Assembly.

That your Lordship is desirous to consult the deliberate wishes of the people of Upper Canada upon all questions of local interest.

And, that as opinions directly opposite to those which I maintain are advanced in petitions addressed to the King and his Lieutenant Governor by far more numerous bodies of the inhabitants than those who have signed the petitions entrusted to me, your Lordship would not be consulting the deliberate wishes of the people of Upper Canada if you were to comply with the requests of the comparatively small minority for whom I act, in opposition to the far greater body who have expressed opinions directly opposite.

It so happens in the present instance, that in many, if not in most cases, the petitioners by me ask that those things may be recommended by His Majesty's Government to be done, which the present as well as the two last Houses of Assembly have vainly essayed to accomplish. I find it somewhat difficult to reconcile this fact with a refusal of these requests, upon the ground that to grant them would be deferring to the minority, even while it is readily admitted that the House of Assembly correctly represents the sentiments of the majority. For example :—

1. The present House of Assembly have passed a bill for the more equal distribution of the estates of persons dying intestate—so did the last House—so did the House before that. The petitioners by me humbly pray that this most important and much-to-be-desired measure may be perfected by receiving the Royal Approbation. Three successive Houses have proved the unchangeableness of public opinion on this point. Yet it is refused, because your Lordship is in possession of "the unauthorised statements of individuals" whom you conscientiously believe to be a majority of all the petitioners

from the Colony, but who in this case are "in opposition to the Assembly."

2. The present House of Assembly have declared the College Charter a grievance—so did the last House—so did the House before that—so did the Committee of the House of Commons sitting upon one of the petitions for which I am the agent—so do the petitioners by me. Yet has it not received a liberal charter?

3. The present House of Assembly solemnly declared its opposition to any pecuniary union of Church and State, and to all undue preferences given to the Ministers of particular Religious Sects, and prayed that the Clergy Reserves might be sold and general education promoted with the proceeds.—So did the House elected in 1824, and the House elected in 1828.—So did the petitioners by me.—They are unsuccessful.

4. The last and present Houses of Assembly have enquired by address, and in other ways, from time to time, into the amount and application of that secret revenue which it has been usual to collect as well as expend without the knowledge or approbation either of the people of England or of Canada. They enquired in vain. The petitioners by me make the same request. Your Lordship admits that there ought to be no concealment. But the concealment continues.

5. The present House of Assembly prayed that the Timber Trade might not be burthened with an inland tax, which is equal to about 25 per cent. on the value of the rafts. The Ministry declined to remove the impost thus unanimously complained of. The petitioners by me are opposed to its continuation.

6. The present House addressed the King in favor of the independence of the Judges—So did the two last Houses—So have the petitioners. Yet the Judges (political partizans) have been made more than ever dependant upon the military government while they are perfectly independent of the country!

7. The present House of Assembly refused or declined to comply with the prayers of the Freeholders of the County of York last winter and the winter before, asking a fair share of the representation. I observe by the debates of this Session, that they are now hastening to give it six Members instead of one—the very thing I was sent here to ask for, after it had been refused there. I doubt its becoming a law; it is too good a measure to originate with the local authorities or to be countenanced by them.

8. The Committee of the House of Commons on the Government of Canada, strongly recommended an amendment of the defective system of summoning Juries, under which Mar-



shals or Sheriffs enjoying large incomes at the pleasure of the Colonial Executive, are entrusted with the arbitrary selection both of Grand and Petty Jurors all over the Colony. The last House of Assembly and the one before it passed bills in vain for remedying the evil, and the present House has acknowledged its existence. I am not aware that His Majesty's Government has taken any step whatever to remove this grievance, although the petitioners by me have made it a principle ground of complaint, as striking at the very root of the administration of justice.

9. The present House endeavoured to provide for the payment of the War Losses, but were checked by the Legislative Council, which is to say, the Government. The petitioners by me, though disagreeing as to the best mode of payment, wish that speedy justice may be done these long-neglected and ill-treated claimants upon British justice.

10. A Bill was introduced last winter, in the present House, to diminish law-costs—it passed, with two dissentient voices, and was lost in the Council. The petitioners pray that law-costs may be diminished.

11. In the question of the Chaplaincy of the House of Assembly, as it appears on the Journals, is involved the whole merits of the petitioners' claims to be relieved from the undue interference of the Government in matters of religion. In accordance with the petitions of the country, a bill and an address to His Majesty passed the House last Session. Nothing has, however, been done by the Government, as far as I know, and now the objection is raised that there are counter-petitions emanating from "bodies of the inhabitants far more numerous than those who have signed the petitions entrusted to my care."

If the House of Assembly, who agree with the petitioners by me in the above and many other essential points, are as it is assured by the Government they are, the true representatives of public opinion, what shall we say of the counter-petitions, in favor of whose wishes, though directly the reverse of those of the Assembly, His Majesty's Government has thus far inclined to decide?

I am, &c.

W. L. MACKENZIE.

No. 36.

2, POLAND STREET, LONDON, }  
January 19, 1833. }

MY LORD,

Your Lordship having signified your desire that I should explain what I meant by saying that the question of the union of Montreal with Upper Canada is "agitated by authority emanating from Downing Street," I have now the honor to afford that explanation :

So far back as 1828, the evidence of Sir R. J. Wil not Horton and others before the Canada Committee, goes to shew that the question was then under serious consideration in this country, and also that it was not unfavorably regarded by certain members of the government.

In 1829, I recollect of Mr. Fothergill, the late government printer, bringing the question of the dismemberment of Lower Canada before the House of Assembly in the shape of resolutions, which the majority, of which I was one, entirely disapproved, as we had the unjust and iniquitous measure of the Union proposed at an earlier period. Mr. Fothergill kept up the excitement by placing the measure on the order of the day of the Session of 1830, and Colonel Elliot, another official person, gave a like notice in 1831-2, which was copied into, and commented on by the opposing Journals in the Sister Colony, producing, as might be looked for, any thing but good feelings.

The government having at length obtained the upper hand in the House of Assembly at York, and having also succeeded, notwithstanding my expulsion and the petitions to the contrary of which I was the bearer, in convincing your Lordship that all classes were fully and fairly represented in it, we find the Law Officers of the Crown, the President of the Bank, the High Sheriff of the Home District, and other official persons employed in organizing public meetings, getting up petitions, and setting the example to the Province of agitating the Province in favor of this plausible scheme of aggrandizement and spoilation.

His Majesty's government in Upper Canada forms a part of his government here—his administration of the public affairs of his subjects there is a part of the general government of the Empire and doubtless controlled by that general government. It is not the usual practice of the members of the King's government, (so far as I understand that practice,) to agitate out of doors, or bring forward and support in the House of Commons, measures of the deepest general interest, such as the reform of a Parliament or the dismemberment of a nation or province, without having first given such measures a grave

consideration and obtained the royal countenance and approbation; nor was I aware until honored with the last communication by Viscount Howick, that it was either usual or decorous for his Majesty's Attorney and Solicitor General to exhibit themselves as the prime movers in public meetings of the people of Upper Canada, of difficult and dangerous questions, beyond the control of a Colonial Government, and the very discussion of which was evidently calculated to excite and keep up a deep feeling of alarm and dissatisfaction in the minds of so many thousands of his Majesty's subjects in the sister Colony, until these functionaries had first sought and obtained the sanction of his Majesty's government, or that of the Lieutenant Governor of the Province, on its behalf, as their warrant for such interference. Judging from a late instance here, that of Sir Henry Parnell, who ceased to be a member of the government when he ceased to think and act with his colleagues, I readily inferred that the Crown Lawyers had acted under the very highest authority; nor was I alone in that opinion, the same observation was often made by the Canada Journalists, as well as in private conversation—I should suppose that there are very few individuals in the Canadas who bestow attention on public affairs that did not form the same opinion as myself when they saw his Majesty's servants clothed with the authority and influence of office held during the Royal pleasure, placing the dismemberment of Lower Canada as a prominent feature in the reply to the speech from the throne at opening the Legislative Session. The question had been long before the country, a great deal of angry discussion had arisen, and it seemed to me just and reasonable to conclude that the officers of the Government in the Assembly when they voted and carried such a resolution through that body on such an occasion, had not failed to ascertain from the head of the Colonial Department what was the Royal pleasure—I felt assured from the ill success of my own efforts to effect the least change, that they possessed in the fullest degree, your Lordship's confidence, and that of the Lieutenant Governor of the Colony. I had known instances not a few, where the people of Upper Canada, and 19-20ths, of the representatives of their choice, had condemned the conduct of the officers of the local administration, *but in all my experience I had never once found that any course of proceeding adopted by these officers on any occasion failed to receive the sanction of his Majesty's government here.* I do not perceive any very essential difference in the effects of a series of political measures, whether they are originated here, or invariably justified and acquiesced in, however much opposed to public opinion, British practice, or the views of the best informed classes of society in whatso-

ever manner expressed in the Colonies in which they are to be put in operation.

The Crown Lawyers and their associates in the Assembly, have told His Majesty that it was necessary that 60,000 persons should be transferred from one Government to another, without their consent asked or obtained, including, of course, property of immense value, and the first commercial city in the British American Colonies. These high legal functionaries, supposed to be selected for their superior knowledge of the law and the love they bear to the first principles of British justice, would, it appears, readily violate the articles of the capitulation of Canada, and principles of public law, which secure to the natives their property and civil institutions—they would unsettle rights long established—they would place 60,000 men, women and children, under the immediate operation of that absurd jumble of British and Provincial Statute Enactments, (primogeniture and all,) which have proved so irksome to the Upper Canadians, and which the sister Province knows nothing of—they would oblige a population who speak French, to select gentlemen vested in the English laws and language, in order to legislate at York or Kingston for an English Colony—they would even abstract the speaker of the House of Assembly of Lower Canada from the body of which he has for many years been the distinguished ornament—And for why?

Permit me to copy the substance of their resolutions :

Commons House of Assembly, }  
York, U. Canada, Nov. 6th, 1832. }

*Report of the Committee of the whole House to whom was referred His Excellency's Speech, at the opening of the Session.*

SIXTH RESOLUTION.

" We nevertheless feel the strongest assurance that the acquisition by this Province of a Port of Entry from the sea, where our revenue of customs may be collected by our own officers, and our foreign trade carried on unshackled by the enactments of a sister Colony, is the *only method* by which Upper Canada can obtain the full advantage of her own Commerce."

YEAS,

Messrs. Attorney General,  
Solicitor General, Register of  
Northumberland, Collector of  
Customs, Port Talbot, do. do.  
Brockville, Collector of Excise,  
Gore, Postmaster of Delaware,  
High Sheriff of York, and nine  
others.

NAYS,

Messrs. Ketchum, Buell,  
Howard, Cook, McCall, A.  
McDonald, Morris, Norton,  
Perry, and Shaver—10.

They would parcel off Lower Canada, just as a Russian Potentate parcels off his serfs, or as the European invaders of America parcelled off the possessions of its aboriginal inhabitants—and that, too, with far greater injustice. In the dismemberments of Poland, of which British Historians and British Statesmen have seldom spoken with much approbation, the unprincipled victors can at least plead the right of conquest—a right, such as it is, which the King's advisers in Upper Canada have not pleaded.—Your Lordship will see, however, that the same plea which was so long and so successfully urged in the British Parliament by the traders in human blood and owners of slaves ships, is here forwarded by His Majesty's legal advisers, and transmitted to England as “the deliberate wishes of the people of Upper Canada,”—namely, the encouragement of foreign trades, commercial interests, money, profit. *The wages of injustice!* The authorities of Upper Canada do not appear to have profited by the History of Naboth's Vineyard.

If I could, even for a moment, bring myself to believe that the honest, unsophisticated yeomanry of Upper Canada, were capable of entering into the feelings and views of the authorities in such a matter as this, I would never desire to put foot into the country again, further than to remove my family to a more kind and benevolent clime; but I know them well, and I acquit them of the least intention to co-operate in such a disgraceful act as has been proposed to be done ostensibly for their benefit. Neither in the petitions to His Majesty, of which I was the bearer—nor, I trust, in those other addresses far more grievously received, which contain opinions “directly opposite” to those which I maintain, will any design or purpose be found for enriching the Exchequer of Upper Canada, and improving her commerce by the wanton plunder and spoliation of 60,000 French Canadians. The honor of that scheme, if there be any—now that his Majesty's Government have disclaimed any participation in it—is exclusively due to the chosen few who have been upheld by Government (in the belief that it was for the public advantage) in all their projects, (some of which I have explained in former papers,) for dividing the people of the Canadas as Ireland is divided, and for governing them as Ireland is governed. The authorities say they want more money, more commercial profit—well would it be for the Colonists if the income of the Government were a great deal less! Wherever the English people have had the opportunity, in the free States of North America, they have established frugal governments and mild laws. I am firmly convinced they would do so in the Canadas, if His Majesty's Government would let them, as also that England would gain by the change.

If there are any difficulties in the way of the apportioning the revenue raised at Quebec, the British Act regulating the trade between the two Colonies provides an easy and obvious remedy. Lower Canada years ago passed an Act appointing Commissioners to meet Commissioners to be appointed by Upper Canada, to confer upon the questions of trade and revenue, and prepare the way for their final and satisfactory adjustment. The same Bill, word for word, except the Commissioners names, was introduced into the Assembly of Upper Canada, and agreed to, year after year—but *failed always in the Council*—(that is, with the Government,) consequently nothing was done.

Thus have feelings of the most unpleasant nature been kept alive—and had not the great body of the people in both Provinces seen through the flimsy veil with which the executive officers of Upper and Lower Canada attempted to conceal the true object they had in view, bitter quarrels would have been the inevitable consequence. It is, however, clearly understood on the other side of the Atlantic, that the proposed dismemberment is but one of many plans devised by men hitherto unfortunately upheld by the gigantic power of this great nation in all their schemes, the effect of which would be the dividing and weakening the Colonists; and the sincere friends of the peace and happiness of England and Canada, look forward to the time in which full enquiry will be made and justice done.

In the 4th article of the October number of the Edinburgh Review, the critic says—“ We confess that we like to see men left to act for themselves. We like the variety of human nature. We like to see different races of mankind advancing, each by its own road, to civilization. The minds of men are then in a more vigorous and healthy state. We dislike *the lonely dead level* of an universal or far extended empire, whether Roman, or Russian, or British.”—Should sentiments like these be entertained by the great council of the nation, now about to assemble, the people of the Island of Montreal will have nothing to fear from the machinations of the enemies of Canada, and the Canadians may look forward with well grounded confidence to a lengthened period of internal prosperity.

I have the honor to be,

My Lord,

Your Lordship's most obedient,

And most humble servant,

W. L. MACKENZIE.

The Right Honorable Lord Viscount GODERICH,

His Majesty's Principal of State, Colonial

Department, Downing Street.

## No. 87.

DOWNING STREET,  
22d January, 1833.

SIR,

I am directed by Viscount Goderich to acknowledge the receipt of your letters of the 5th and 9th and 12th instant. With reference to your statement that "the Government must have been deceived and imposed upon," and that "the majority of Anti-Reformers is but an imaginary one," and with reference to the following expressions in your letter of the 9th instant, "I beg, I entreat that I may be permitted to examine the statements and signatures of the supposed far greater body spoken of by Viscount Howick in his letter of last Saturday week, as having signed these Counter petitions;" I am directed to state, for your information, that in the absence of any specific ground for supposing that the signatures to petitions transmitted through the Lieutenant Governor of Upper Canada to be laid before the King are spurious, Lord Goderich does not think it necessary to institute such a scrutiny as you propose to undertake. If that course of proceeding were adopted, the petitions of which you were the bearer, must, in equal justice, be transmitted for the same purpose to your political opponents. The result of such investigations would unavoidably be to embarrass with an unprofitable mass of mere personalities, a discussion already oppressed with a variety of irrelevant topics which have been introduced into it.

With reference to your statement that the number of signatures attached to the petitions addressed to the King, and entrusted to your care, far exceeded twenty thousand. I am directed to acquaint you that in the month of November last, Lord Goderich directed the number of signatures to be counted, and that the result exhibited a number considerably less than twenty thousand. But upon receiving the statement made by you on this subject, His Lordship immediately ordered the enumeration to be repeated, and he finds the result entirely to coincide with the account contained in your letter. The consequence is that the difference between the number of persons who signed the petitions entrusted to your care, and those who signed the addresses evincing opposite opinions is less than was originally supposed, altho' there is a considerable majority of signatures to the addresses. Lord Goderich is happy thus to admit and correct the error into which he was led by the inaccuracy of those to whom he confided a duty, which from its nature was necessarily placed in the hands of subordinate persons; I must observe, however, that the question whether the number of petitioners who entrusted their petitions to you, was greater or less than that of their opponents, was one on which Lord Goderich did not rely in estimating the correctness of the opinion advanced on either side, or in deciding on the advice to be tendered to His Majesty on the subject. It is upon its own merits that the whole case has been weighed. The reason of adverting to the numerical majority of the petitioners hostile to your views, was the claim so frequently urged by you that you should be understood as speaking the general and deliberate opinions of the

great body of the people of Upper Canada; a claim which the great number of signatures attached to the counter petitions before Lord Goderich directly repelled.

With respect to your remark that when Mr. Randall came to England to complain of injustice, Lord Goderich "not only discussed the question with him, but also gave him a written official letter "pledging His Majesty's Government to do certain things," and that "his lordship has been less indulgent to you and to those who sent you than he was to Mr. Randal," I am directed to observe that the two cases were wholly dissimilar. Mr. Randal repaired to England to remonstrate against the final enactment of a Provincial Statute there, awaiting His Majesty's decision, which deeply affected the interests of the body by whom he was deputed to act. Lord Goderich discussed that specific grievance with Mr. Randall, as he would have discussed with any other individual or body of persons any other specific measure in which they had a peculiar interest. You on the other hand invite a discussion of every measure connected with the administration of the Provincial Government, of every principle by which it is guided. That demand is made in the language of open and undisguised hostility, not with a view of affording the Secretary of State such information and such suggestions for the public good as your experience might enable you to supply, (in which light your communications would have been thankfully received) but in furtherance of a direct accusation against the Legislature, the Lieutenant Governor, the judges, and the Public Officers of Upper Canada collectively. Under such circumstances to engage with you in the wide range of enquiry upon which you seek to enter, would be to direct the official correspondence of this department from its proper channel, and would place the Legislature and judicial and executive authorities of Upper Canada in a position of which they would have the best reason to complain, and in which they could not continue to conduct the public service.

With reference to your renewed application for permission to consult the proceedings of the House of Assembly of Upper Canada, deposited in this office, and especially to consult the public journals of that House, I am desired to acquaint you that Lord Goderich is far from wishing to present obstacles to your enquiries respecting any part of the Public Affairs of the Province in which you may desire to obtain information. The Proceedings of Colonial Legislators used formerly to be bound up with the correspondence between the Governors and Secretary of State, and it is contrary to established custom to allow strangers to have access to that correspondence. This was the ground on which it was deemed necessary that your former application should not be complied with.—But considering the importance which you appear to attach to an opportunity of referring to the journals, and having also ascertained that, in the case of Upper Canada, there are very few years for which the proceedings of the Assembly are not possessed in volumes separate from the



correspondence of the Department, Lord Goderich has instructed the Librarian to place any Papers of that nature before you, whenever it shall suit your own convenience to make a personal application for them.

The bill which you state to have passed the Provincial Assembly, for increasing the representation of the County of York to six Members, has not been received at this Department.—Should your information on that subject prove to be accurate, the most conclusive proof will have been given, that the House are willing to concur with the other branches of the Legislature, in relieving the people at large from any grievance under which they may be supposed to labor.

With reference to the remarks which you made on the case of Mr. Christie, and on the different mode of proceeding adopted by Lord Goderich on the subject of that gentleman's expulsion, and with regard to your own, it is necessary to remind you of the wide difference between the two cases.—Mr. Christie preferred a petition to His Majesty for a redress of a grievance under which he represented himself to labor, and His Majesty could not, unless it had been thought proper entirely to suppress a complaint from one of His Subjects, pursue any other course than was adopted. Lord Goderich does not understand that you have ever invoked the aid of Government in the same manner.—To have addressed a communication to the Assembly of Upper Canada on your case, would have been a gratuitous interference with the proceedings of that body. Had you preferred a petition to His Majesty respecting any grievance under which you deem yourself to labor, it would undoubtedly have been the duty of His Majesty's Government to give their best consideration to that, as to any other petition proceeding from any of His Majesty's Subjects.

I am, Sir,

Your most Obedient

Humble Servant,

HOWICK.

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No. 83.

Lord Howick presents his compliments to Mr. Mackenzie and will be happy to see him, if he will be good enough to call on him, Monday, at 12 o'clock.

Colonial Office, }  
7th March, 1833. }

*Memo.*—This note was addressed to me on the occasion

on which the Colonial Officer resolved to change the Attorney and Solicitor Generals of Upper Canada, in answer to my representations as to their conduct.

W. L. MACKENZIE.

1st January, 1835.

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No. 38. (a.)

### **Dismissal of the Crown Lawyers.**

In the first week in March 1833, certain representations were made by Mr. Mackenzie, a member of this committee, to His Majesty's Government, respecting the conduct and proceedings of the Attorney and Solicitor General of Upper Canada; these representations were taken into immediate consideration, and despatches transmitted to Upper Canada. The following account of the dismissal from office of Mr. Boulton and Mr. Hagerman was sent to the Editor of the York Courier by the present Chief Justice of Newfoundland; and the commentary of the Editor is annexed.

[*From the Courier of Upper Canada, of May 1, 1833.*]

#### **DISMISSAL OF THE CROWN OFFICERS OF UPPER CANADA BY LORD VISCOUNT GODERICH.**

In a postscript to a considerable proportion of the last Saturday's Courier, which were mailed for the country, we announced the fact, that Henry John Boulton, Esquire, and Christopher Alexander Hagerman, Esquire, had been removed from the offices of Attorney and Solicitor Generals, of this Province; but neither space nor time admitted of our explaining the causes of that removal in that Postscript.

Since that publication we have received the following communication, together with the accompanying documents, from Mr. Ex-Attorney General Boulton, which we hasten to lay before the people of Upper Canada:—

*To the Editor of the Courier of Upper Canada.*

York, April 30. 1833.

SIR:

Having filled for the last sixteen years the situation of a Law Officer of the Crown—first as Solicitor General, and latterly as Attorney General of this Province: and having, without a previous intimation of any part of my conduct, official or political, being disapproved of by His Majesty's Government, been suddenly removed from office, I feel it to be an act of justice to myself, as well as Mr. Hagerman, who is now absent from the Province, and whose dismission is announced in the same despatch, not to leave room for unfounded and injurious surmises, as to the cause of our removal. I do not know that I can adopt any measure so satisfactory for this purpose, as the

publishing merely without comment, the official correspondence which has attended this unexpected measure of His Majesty's Government.

Your obedient servant,

(Signed)

H. J. BOULTON.

GOVERNMENT HOUSE. }  
April 29. 1833. }

Sir :

I have the honor, by the direction of the Lieutenant Governor, to transmit to you the accompanying copy of a despatch from the Secretary of State for the Colonies, in which his Excellency is instructed to inform you and the Solicitor General, that His Majesty regrets he can no longer avail himself of your services; and that you are to be relieved from the duties of your respective offices.

I have &c.

(Signed)

WM. ROWAN.

HENRY JOHN BOULTON, Esquire,  
&c. &c. &c.

No 118.

(COPY)

DOWNING STREET, }  
March 6. 1833. }

Sir :

By the accounts I have lately received of the proceedings of the Legislature of Upper Canada, I have learnt that the Attorney and Solicitor General of that Province, have in their places in the Assembly, taken a part directly opposed to the avowed policy of His Majesty's Government. As members of the Provincial Parliament, Mr. Boulton and Mr. Hagerman, are of course, bound to act upon their own view of what is most for the interest of their constituents, and of the Colony at large—but if upon questions of great political importance, they unfortunately differ in opinion from His Majesty's Government, it is obvious that they cannot continue to hold confidential situations in His Majesty's service, without either betraying their duty as members of the Legislature, or bringing the sincerity of the Government into question, by their opposition to the policy which His Majesty has been advised to pursue.

His Majesty can have no wish that Mr. Boulton and Mr. Hagerman should adopt the first of these alternatives—but on the other hand, he cannot allow the measures of His Government to be impeded by the opposition of the Law Officers of the Crown. In order therefore, that these gentlemen may be at full liberty as members of the Legislature, to follow the dictates of their own judgement, I have received His Majesty's commands, to inform you that he regrets that he can no longer avail himself of their services, and that from the time of your receiving this despatch, they are to be relieved from the duties imposed upon them in their respective offices.

You will transmit copies of this despatch to Mr. Boulton and Mr. Hagerman.

I have the honor &c. &c.

(Signed)

GODERICH,

M. G. SIR JOHN COLBORNE, K. C. B.  
&c. &c. &c.

York April 22. 1833.

SIR :

Under the circumstances in which I find myself suddenly placed, without any previous intimation from His Majesty's Government, and more especially in the absence of the Solicitor General, who is equally affected by the measure with myself, I feel it due to him as well as to myself, and to our respective friends, to request that his Excellency will have the kindness to inform me for what breach of public duty His Majesty has been advised to remove us from office? I have the honor &c.

(Signed)

H. J. BOULTON.

To Lt. COL. ROWAN,

Private Secretary to the Lieut. Governor.

GOVERNMENT HOUSE. }

April 29. 1833. }

SIR :

I have the honor to acquaint you in reply to your letter of this day, that the Lieutenant Governor understands, that the part of your political proceedings to which the despatch of the Secretary of State particularly adverts, is that you and the Solicitor General, promoted the reported expulsion of a member of the Assembly, although the constitutional objections to that course had been conveyed to his Excellency by His Majesty's Government, and were, it is concluded communicated by him to you.

I have the honor, &amp;c. &amp;c.

(Signed)

Wm. ROWAN.

To H. J. BOULTON Esquire.

&amp;c. &amp;c. &amp;c.

This is a summary procedure most assuredly—and as high-handed and arbitrary a stretch of despotic power as has been enacted before the face of high heaven, in any of the four quarters of this northern world, for many and many a long day. The Duke of Wellingtons conge to Mr. Huskisson was cavalier enough in a conscience, but the Duke did not divest Mr. Huskisson of his office; and Mr. H. had made a conditional tender of his resignation to his Grace—and yet the conduct of the Duke in displacing Mr. H. even under those circumstances, without offering him further opportunities for explanation, viewed by the whole empire as being unjustifiably capricious and arbitrary. But this dismissal of the Crown Officers of Upper Canada by the Lord Viscount of Goderich, because these gentlemen, in the independent discharge of their Legislative duties and in obedience to the known and decidedly expressed sentiments of three fourths of the whole people of Upper Canada, and nine-tenths of their own immediate constituents, concurred with a large majority of the Representatives of the Canadian people, in expelling from the House of Assembly a worthless and degraded member of that body; who belabored and grossly abused the House and the Speaker of the House, and who, setting all the forms and usages of the Legislative bodies at utter defiance, completely put a stop to

the business of the country: the dismissal, we say, of these gentlemen by Lord Goderich, for such a reason, or rather, under such a pretence, upon mere heresay evidence too, through Mackenzie or the newspapers, without any previous intimation of His Whigship's high displeasure, and without affording them a moment's time to defend themselves, or explain their conduct, is an infinitely more high handed and despotic measure, than any even yet ascribed to the Duke of Wellington, or, we venture to say, was ever thought of by that Nobleman.

The dismissal of these gentlemen, for such reasons, cannot be viewed as a mere personal question, affecting not only the interests of the two officers who have been removed; but it is a public question deeply affecting the rights and liberties of the people of this Colony—the freedom of election, and the privileges of the people's representatives. For, if the colonial minister for the time being assumes to himself the power of dictating to the representatives of the Canadian people, what they shall do and what they shall not do in their Legislative capacity, and punishes such of those representatives as he has the power of punishing, for not acting agreeably to his dictation, it is very easy to see that the Legislature must soon degenerate indeed into a band of slaves and sycophants; since no member who holds a public office, and no member who desires to obtain a public office will dare to oppose the mandate of the existing colonial minister.

And what would be a still more degrading and lowering effect of such a system, if persisted in, it would render the Representative body as inconsistent and unprincipled, as it would be slavish and sycophantic; since the members of that body, in order to please the government for the time being, must of course, chameleon-like, change their political hue, with every ministerial change, of these ever changeful. Such, however, is the mandate of this sapient Lordling; who declares, we are informed, that all persons holding offices under the government, are expected to support the views and directions of that government, or they will be instantly removed from office!!

Further marks of His Lordship's displeasure at the recent proceedings of the two Houses of the Provincial Parliament, we understand are threatened. And nobody can tell what ridiculous caper this political imbecile may next enact. The dissolution of the Parliament; the recall of the Governor; the dismissal of the Chief Justice; and many other equally mad & ruinous projects are said to be in the contemplation of this foolish Colonial Minister. One of the very worst effects of such a condition of affairs is, that it reduces every thing in the country to a state of uncertainty: with the past acts of this minister the great bulk of the people are displeased or disgusted; and with reference to his future acts, they apprehend nothing but mischief and disaster, both to the Colony and the Empire. The minds of all the well affected people in the country (and they, to the certain ultimate discomfiture of the united factions of Mackenzie, Goderich and the Yankee Methodists, are a vast majority) begin to be unhinged. Instead of dwelling with delight and confidence upon their connexion with the glorious Empire of their sires, with a determi-

nation to support that connection as many of them have already supported it, with their fortunes or their blood, their affections are already more than half alienated from the Government of that country, and in the apprehension that the same insulting and degrading course of policy towards them is likely to be continued, they already begin to "cast about" in "their mind's eye," for some new state of political existence, which shall effectually put the colony beyond the reach of injury and insult from any and every ignominious whom the political lottery of the day may chance to elevate to the chair of the Colonial Office.

This is strong language; The fools and the knaves of the Yankee Republican faction, whom Lord Goderich delighteth to honor—and the fools and knaves of the Canadian Republican press [and they are all fools or knaves] will affect to condemn and ridicule that language—but, it is true! It is not the mere circumstance of the dismissal from office of Mr. Beulton, or Mr. Hagerman, but it is the disposition which this Lordling of the Colonies, has evinced to countenance and protect the odious, despicable, unprincipled and pury faction, which has been labouring for years to dis sever the Colony from Britain, and to set up democratic Republicanism in its stead; and the equally despicable and unprincipled emissary of that faction: and the disposition, which he has at the same time, as a consequence, shewn to annoy, insult, and injure the feelings of the great and respectable majority of the Canadian population, who disavowed and condemned the conduct and the representations of that emissary and that faction; it is this we repeat, and not merely the dismissal of the gentlemen in question (which constitutes only one prominent instance of the disposition and designs of the Colonial Secretary) that has alienated the affections and produced the feelings of resentment, and the views with regard to the future, which we have described.

"Fools never learn wisdom;" or, one might have hoped that the experience which the present foolish ministry\* have had of the consequences of setting up their opponents and putting down their supporters: of taking their enemies by the hand, and throwing cold water in the faces of their friends, would have ere this taught them the propriety of abandoning this amicable iniquity; but, the ruinous folly which has been enacted in Ireland, in Jamaica, and in the Mauritius; is, it appears, in spite of dear bought experience, to be re-enacted in Upper Canada, and the Lord knows, perhaps in all the other colonies of the Empire.

In Ireland, in accordance with this imbecile policy, the Government have alienated the affections, and made deadly enemies of the fastest friends of the British Throne—while they have added tenfold to the power and to the enmity of their former foes: and 20,000 additional bayonets, are consequently, required to keep the people of Ireland from wetting in each other's blood, and from annihilating every vestige of order, government and law.

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\* From this general character there are two or three distinguished exceptions.

In Jamaica, in pursuance of the same policy, they have stimulated the blacks to cut the throats of the whites—and now in order to prevent the blacks from cutting any more throats, or to protect them in doing so (for there is really no telling which is the object of our sapient Minister), the same Cabinet are obliged to send 5,000 additional swords and bayonets to that devoted Island.

In the Mauritius—in accordance with a similar policy, the same measures have been pursued, and the same necessity for resorting to additional bayonets has been the consequence.

And now the same imbecile experiment is to be pursued in Upper Canada—but if it is persisted in—the moral and physical force of the great and overwhelming majority of the Canadian people, whom it will be necessary for Lord Goderich to deal with, will be too powerful to be subdued or influenced by any demonstrations of this kind.

We hope, however, for the best—we hope that though “fools may not learn wisdom,” they may, at least, be arrested in their career of folly; and that the consequences, which no honorable or patriotic mind can contemplate without shuddering, may therefore be averted.

No. 39.

*Colonial Office,  
May 17th, 1833.*

SIR,

I am desired by Mr. Secretary Stanley to acquaint you, that he will be enabled to see you on Monday, at half past one o'clock, if you can call here at that time.

I am,

Yours Obediently,

RICHARD EARLE.

*Wm. McKenzie, Esq.*

No. 90.

*Downing Street,  
14th May.*

SIR,

I am directed by Lord Althorp to acknowledge your letter of the 22d August, and to thank you for the information contained in it.

I have the honor to be,

Sir,

Your Ob't Servant,

W. L. WICKHAM.

*W. Mackenzie, Esq.*

## No. 91.

S. G. O. Toronto, U. C.

7th April, 1835.

Sir,

In compliance with the wishes of the Committee on Grievances, I beg leave to enclose to them a paper containing certain Queries, transmitted to me yesterday, with the blanks filled up as requested.

I have the honor to be,

Sir,

Your Ob't Servant,

J. P. HURD, S. G.

*The Chairman of the  
Committee on Grievances,* }  
*&c. &c. &c.* }

## No. 92.

J. COLBORNE,

The Lieutenant Governor transmits to the House of Assembly, in compliance with the Address of the 10th instant, a Return of the Justices of the Peace, and Commissioners of the Courts of Requests, for the several Districts, with the dates of their commissions.

In reply to the inquiries contained in the same Address, the Lieutenant Governor acquaints the House, that the Justices of the Peace are appointed by commission, under the great seal of the Province, the selection being made by the Lieutenant Governor for the time being, acting in the name of the King.

The Commissioners in the Courts of Requests, are appointed in a manner directed by the second section of the Statute 3d William 4th, Chap 1.

A copy of the instructions which have been issued by the Inspector General to Collectors of Customs is annexed. The Lieutenant Governor is not aware of any other instructions having been given either to Collectors, Sheriffs, or Clerks of the Peace, respecting their personal attendance to the duties of their situations. When the right to appoint a deputy is conferred by law it cannot be disputed by the Executive Government. The officers, however, holding these appointments become responsible to the law of the land for their conduct and for a correct discharge of their duties; and are liable to be removed by the crown.

The Lieutenant Governor transmits, in compliance with the same address of the House of Assembly, a Return of persons who were members of the last House of Assembly, and who have accepted offices of emolument under the Provincial Government



since the General Election in 1830.—The places and situations which they hold, were conferred in the same manner as appointments have been always made to similar officers, and in the manner required by the laws of the Province.

The Lieutenant Governor, in compliance with the same address of the House of Assembly, transmits also a Return of all members of the present House of Assembly, who hold offices or employments of profit and emolument under the British or Colonial Governments, or who enjoy pensions, half pay, or retired allowances, so far as the Lieutenant Governor has the means of procuring information on these subjects.

When the duties of such officers are not precisely directed by law, the Lieutenant Governor can only assume the nature and extent of them from the statements of the parties themselves, which have for this purpose been called for, and to which the Lieutenant Governor refers the House.

The Lieutenant Governor is requested by the same address to give whatever information it may seem to him proper to communicate in respect to the powers, duties, and responsibilities of the Executive Council; how far that body is responsible for the acts of the Executive Government, and how far the Lieutenant Governor is authorized by His Majesty to act with or against their advice.

Upon this request of the House of Assembly the Lieutenant Governor acquaints the House, that in respect to the powers of the Executive Council—in no case, he believes, are powers committed to them, except by the express provisions of British or Colonial Statutes, which are known to the House of Assembly.

In respect to the duties of the Executive Council in addition to those which are imposed by statutes, it is necessary that the Executive Council should concur with the Lieutenant Governor in deciding upon applications for lands, pursuant to His Majesty's instructions, and in making regulations relative to that department of the Government. It is also the duty of the Executive Council to afford their advice to the Lieutenant Governor upon all public matters referred to them for their consideration. The responsibilities under which the Executive Council discharge this important and confidential duty depend upon the principles of our constitution, and upon the law of the land; and the Lieutenant Governor possesses no sources of information upon this question, which are not equally accessible to every inhabitant of the Province. It is, of course, generally understood that the Lieutenant Governor, for the time being, and members of the Executive Council, are responsible to His Majesty's Government for their conduct, and are removable at the pleasure of the King.

In reply to the last enquiry contained in the address, the Lieutenant Governor acquaints the House, that where the provisions of any statute require the concurrence of the Executive Council to an act of the Government, it cannot be dispensed with, and whatever responsibility attaches to the particular act, must obviously be shared by the Executive Council.

In other cases, it is to be presumed that the Lieutenant Governor for the time being, exercises his judgment in regard to demanding the assistance and advice of the Executive Council, except he is confined to a certain course by the instructions of His Majesty,

Upon the subject of these instructions, the Lieutenant Governor is of opinion, that it would be inconsistent with his duty, as the House of Assembly appear to conclude, to enter into particular explanations without the consent of His Majesty's Government.

*Government House, 20th February, 1835.*

No. 92. (A.)

**The Executive Council.**

*statements copied by W. L. Mackenzie, Esq. from the Records of the Executive Council, in the Colonial Office:*

[COPY.]

"Quebec, 14th Sept. 1811.—Sir:—Herewith you will receive an additional instruction from His Royal Highness the Prince Regent, appointing you in the name and on the behalf of His Majesty, *as the Senior Officer, commanding the troops in Upper Canada, Senior Member of the Council of that Province, to enable you to succeed to the civil administration of it upon His Excellency Lieutenant Governor Gore's availing himself of the leave of absence which has been transmitted to him by this opportunity.*"—

"I have the honour to be, &c.

(Signed)

GEORGE PREVOST.

"To Major General Brock."

[COPY.]

"In the name and on the behalf of His Majesty—"George, P. R.

ADDITIONAL INSTRUCTION.

[L. S.] To our trusty and well beloved Sir James Henry Craig, K. B., and K. C., our Captain General and Governor in Chief in and over our provinces of Upper and Lower Canada in America, or in his absence to our Lieutenant Governor or Commander in Chief of our Province of Upper Canada for the time being.

Given at our Court at Carleton House, the 13th day of July, 1811; in the 51st year of our reign.

WHEREAS by the fourth article of our general instructions bearing date the 29th day of August, 1807. WE did nominate and appoint certain persons therein named to be members of the Executive Council of Our province of Upper Canada, NOW WE do hereby revoke, annul, and make void so much of the said fourth article of our said instructions as relates to such nomination and appointment. And We are hereby pleased to constitute and appoint Gordon Drummond, Esq. Major General of our Forces, or the Officer commanding our Province for the time being, Thomas Scott, Esq. our Chief Justice, or the Chief Justice of our Pro-

vice for the time being, Jacob, Lord Bishop of Quebec, James Baby, Alexander Grant, John McGill, and William Dummer Powell, Esquires, to be members of the Executive Council of our said Province of Upper Canada."

"(Signed)

GEORGE P. R."

"To SIR JAMES H. CRAIG, K. B."

It appears that it is the duty of the Lieutenant Governor to take the opinion of the Executive Council only in such cases as he shall be required to do so by his instructions from the Imperial Government, and in such other cases as he may think fit. It appears by the following transactions that the Lieutenant Governors only communicate to their councils so much of the private despatches they receive from the Colonial Office as they think fit, unless in cases where they are otherwise specially instructed :

Colonial Office, 20th May, 1808.—F. Gore, Governor, requested the advice of the Executive Council, relative to the time of dissolving the present Parliament and convoking a new one—they respectfully concur with His Excellency in opinion that the writs, &c. should issue forthwith.

[COPY.]

Council Chamber, at York, Sat. 8th Oct. 1808.—Present F. Gore, Lieutenant Governor, Chief Justice Scott, John McGill—His Excellency laid before the Council the following *extract* of a letter addressed to him from Lord Castlereagh, Principal Secretary for the Colonies, dated Downing Street, 14th June, 1808.

"His Majesty has been graciously pleased to approve of *your recommendation* of Mr. McGill to succeed Lieut. Colonel Shaw as one of the ordinary members of the Executive Council, and Mr. Powell and Mr. Selby to be honorary members of that board."

"In conformity to the above signification of His Majesty's pleasure, His Excellency did administer the oaths required to be taken by the members of the Executive Council to William Dummer Powell and Pridcaux Selby, and they took their seats as members."

25th Oct. Lieutenant Governor Gore, came to the Council and ordered summonses to Messrs. Powell and Selby to attend each council as ordinary members.

At the Council Chamber, York, 13th July, 1809, Lt. Governor Gore laid before the Council the following *extract of a letter* that had been addressed to him by the Secretary, Lord Castlereagh :

"His Majesty has been graciously pleased to approve of *your recommendation* of Mr. Justice Powell to succeed Mr. Russell as an ordinary member of the Executive Council."

No. 93.

Upper Canada.

RETURN of the Magistrates of the Western District of

*pointed under a Commission of the Peace dated the 11th  
November, 1833.*

---

After the Members of the Executive and Legislative Councils and the Judges of the Court of King's Bench.

---

Francis Baby,  
Jean Baptiste Baby,  
George Jacob,  
William Duff,  
John Dolson,  
William McCrae,  
William McCormick,  
William Jones,  
Israel Smith,  
Claude Gouin,  
Isaac Bell,  
George Jacob the Younger,  
William Berczy,  
Jean Baptiste Magon,  
Charles Eliot,  
John G. Watson,  
Charles Berczy,  
Lewis Gordon,  
George Kirby,  
Duncan McGregor,  
James Askin,  
Francis Caldwell,

Matthew Elliott,  
Charles Fortier,  
William Elliott Wright,  
John Prince,  
Joseph Woods,  
Robert Jones,  
Duncan Warren,  
James W. Little,  
Joseph Smith,  
Alexander Walker,  
Henry Jones, Senior,  
George Hyde,  
Alfred Toulmin,  
Robert Watson,  
Frome Tal Fourd,  
Henry Jones, the Younger,  
George Durand,  
Alexander Thomas E. Vidal,  
Field Talfourd,  
Lewis Rendt,  
Harry Alison,  
Arthur William Freear,

ROTHWELL.

John Scratch,  
Prideaux Girty,

William Ambridge,

*Secretary's Office, }  
Toronto, 13th Feb. 1835. }*

I certify that the foregoing is truly extracted from the Registry in this office—Book G. Folio 134.

D. CAMERON,  
*Secretary and Registrar.*

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No. 94.

**Upper Canada.**

RETURN of the Magistrates of the District of London, ap-

*pointed under a commission of the peace, dated the 25th July, 1833.*

---

After the Members of the Executive and Legislative Councils  
and the Judges of the Court of King's Bench.

---

Peter Teeple,	Charles Prior,
Thomas Hornor,	John Brewster,
James Mitchell,	Peter Hamilton,
Joseph Ryerson,	Colin McNeilledge,
Thomas Boulby,	Captain Andrew Drew,
Mahlon Burwell,	Major James Barwick.
George C. Salmon,	James Hutton,
James Hamilton,	Peter Carroll,
James Graham,	James Ingersoll,
James Racey,	John Burwell,
Lesslie Patterson,	Robert Grey Kirkland,
Ira Schofield,	Alexander Richardson,
Henry Warren,	Roswell Mount,
John Bostwick,	Joseph B. Clench,
John Hatch,	James Nevills,
Solomon Lossing,	Samuel Eccles,
Israel Wood Powell,	William Young,
William Wilson,	Colonel Alexander Whalley
Andrew Dobie,	Light,
Edward Allan Talbot,	John Warren,
Duncan McKenzie,	Captain Robert Dunlop,
Henry White,	Edward Buller,
James McKinlay,	Captain Philip Graham,
Isaac Draper,	Christopher Beer,
Jacob Potts the Younger,	Thomas Radcliff,
John Kirkpatrick,	Edward Ermatinger,
Duncan Campbell,	James Clement Crysler,
Henry Carroll,	John McFarlane,
John Waddell,	Captain Robert Johnson,
Gilbert Wrong,	Eliakim Malcolm,
Samuel Edison,	Benjamin Springer,
John McDonald,	John Boys,
Duncan Warren,	William Gordon, (of Zorra)
William Robertson,	John Philpot Curran,
John G. Lossey,	Walter McKenzie,
John Burdeck,	Henry Allison,
John Scatchard,	Richard N. Star, Esqrs.--74.
Benjamin Wilson,	

SECRETARY'S OFFICE,  
Toronto, 13th Feb. 1835. }

I certify that the foregoing is truly extracted from the Registry in this office—Book G. folio 117.

D. CAMERON,  
*Secretary & Registrar.*

No. 95.

**Upper Canada.**

*Return of the Magistrates of the District of Niagara, appointed under a Commission of the Peace, dated the 31st May, 1833.*

After the members of the Executive and Legislative Councils  
and the Judges of the Court of King's Bench.

James Melrhead,	William Anthony,
Robert Nelles,	John Claus,
William Crooks,	Geo. Stevens, late 76th Reg-
Robert Grant,	of Foot,
Peter Ball,	Robert H. Dee,
Samuel Street,	David Thompson,
George Adams,	Henry William Nelles,
George Keefer,	Smith Griffin,
Thomas McCormick,	Benjamin Cauby,
Alexander Hamilton,	Edward Evans,
James Cummings,	Thomas Butler,
James Macklen,	George Ridout,
John D. Servos,	General John Murray,
William Hamilton Merritt,	Robert Melville,
Warner Nelles,	James Lockhart,
George Ball,	John C. Ball,
John Usher,	William Ball,
Robert Hamilton,	John Mewburn,
Henry Warden,	Lewis Clement,
Daniel McDougall,	Ogden Creighton,
Mordon Crysler,	James Robinson of the Falls,
Thomas Merritt,	Lieutenant Colonel Philip
John Powell Tweed,	Delatre,
Henry Nelles,	Malcolm Lang,
James Black,	Jacob Keefer.

James H. Mackenzie,	Elias Smith Adams,
William Mylne,	Captain ——— Tench,
Dr. John Lefferty,	Isaac Johnson,
George Rykert,	Michael Gaytiel,
James Birdsall,	Ames Bradshaw,
George Connolly,	Duncan McFarland,
Bartholomew Tench,	Lesslie Patterson,
William Nelles,	John Cleveland Green,
William Duff,	Nathaniel Pauling,
William Smith,	John Gibson,
Alexander Douglas,	Richard Woodruff,
James Johnson,	John S. Alma,
Lieutenant Colonel Arthur	Crowell Wilson,
Jones,	Lieut. Charles Jones, R. N.
Edmund Riceiy,	James Cooper, near Queen-
Henry Mittleberger,	ston,
William Adams,	Samuel Birdsall, (Canboro')
James W. C. Clark,	Wm. M. Ball, (Niagara) Es-
John McGlashan, Jun.	quires—84.
Cyrus Sumner,	

SECRETARY'S OFFICE,  
Toronto, 13th February, 1835. }

I certify that the foregoing is truly extracted from the Registry in this office, Book G. folio 103.

D. CAMERON,  
*Secretary & Registrar.*

No. 96.

### Upper Canada.

RETURN of the Magistrates of the District of Gore, appointed under a Commission of the Peace, dated the 2nd April, 1833.

After the members of the Executive and Legislative Councils and the Judges of the Court of King's Bench.

William Crooks,	John Secord,
John Willson,	Philip Sovereign,
James McBride,	Manuel Overfield,
Hugh Willson,	William Proctor,
William Ellis,	Thomas Lepard,
James Racey,	Thomas Smith,
Matthew Crooks.	William Holme,
Daniel O'Reilly,	Elijah Secord,

Robert Murray,	Thomas Fyffe;
Richard Beasley,	Hugh Crene,
William Chisholm,	Charles Prior,
William Scollick,	John Brewster,
William Dunlop,	John Spraut,
William Richardson,	Daniel K. Servos,
Thomas Stephens,	Daniel Lewis,
William McKay,	Absalom Shade,
Robert Land,	Alexander Roxborough,
Peter Hunter Hamilton,	Edward Richie,
William B. Van Every,	David Archibald MacNab,
Benjamin Wilson,	Michael Aikman,
Nathaniel Bell,	Edmond Huntley,
Alexander Proudfoot,	Geoffry Lynch,
Henry Trout,	Colin Campbell Ferrie,
John Chalmers,	Osmond Charles Huntley,
John Sterritt,	—— Haycock,
Henry Strange,	Joseph Bowes,
William Heath,	George Brown,
Samuel Crawford,	Charles Biggars,
John Watson,	John Williamson,
John Inglis,	John Lowe,
Joh Lodor,	Thomas Choate,
William Birt,	Geo. Chisholm, the Younger;
James Winniett,	Andrew Todd Kirby,
James Gilpin,	John Aickman, the Younger,
William Muirhead,	Thomas Harris,
Thomas Armstrong,	James Hamilton,
Hiram Smith,	James B. Ewart,
Andrew Gage,	William Reynolds,
James Wilson,	Rowland Wingfield,
Charles Kennedy, of Erin,	George Hamilton,
John Burns,	Francis Leonard, Esqrs.—82.

SECRETARY'S OFFICE,  
*Toronto, 13th Feb. 1835.* }

I certify that the foregoing is truly extracted from the Registry in this office—Book G. folio 93.

D. CAMERON,  
*Secretary & Registrar.*

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No. 97.

**Upper Canada.**

*RETURN of the Magistrates of the Home District, appointed*



*under a Commission of the Peace, dated the 27th  
March, 1833.*

After the members of the Executive and Legislative Councils, and the Judges of the Court of King's Bench.

Alexander Wood,  
William Chewett,  
Grant Powell,  
Stephen Jarvis,  
William Thompson,  
William Tyler,  
D'Arcy Bolton,  
James Miles,  
James Fitzgibbon,  
Francis Hewson,  
Frederick Star Jarvis,  
Robert Charles Horne,  
John Beikie,  
William Benjamin Robinson,  
John Scott,  
William Parsons,  
Christopher Widmer,  
James O'Brien Bouchier,  
William Dunlop,  
Robert Stanton,  
John Gamble,  
William Proudfoot,  
Wm. Johnson, of Georgina,  
William Turner,  
William Crookshanks,  
Lewis Algo,  
Arad Smalley,  
John Galbraith,  
John Bagwell,  
Peter McDonald,  
Hector McQuarrie,  
Joseph Carter,  
Samuel Ridout,  
Charles Coxwell Small,  
John Lemon,  
William Birdsall,  
Peter Milne,  
Benjamin Monger,  
Joseph Adamson,  
Lawrence Hayden,

John Borlase Warren,  
Alexander Armstrong,  
George Ramsay,  
William Woodin,  
Thomas Gummursal Anderson,  
James W. Hamilton,  
Edward O'Brien,  
John C. White,  
Edward Favel Davis,  
Malcolm Ross,  
Arthur Carthew,  
Charles Stanley Monck,  
James Adam,  
Robert Oliver,  
William B. McVity,  
William Warren Baldwin,  
James Winniett,  
William Gamble,  
John King,  
George Monro,  
Andrew Mercer,  
Thomas Birchall,  
Alexander Murray,  
Robert Gillespie,  
John Ross,  
John Spread Baldwin,  
James Frederick Smith,  
Peter Paterson,  
James G. Chewett,  
David Stegman,  
Thomas Gibbs Ridout,  
Walter O'Hara,  
George T. Dennison,  
Robert Harding,  
John Scarlet,  
Benjamin Thorne,  
Richard Gapper,  
John Barrick,  
Simon Lee,

Joseph Wadsworth,	John Mills Jackson
James Baldwin,	Francis Osburne
Thomas B. Phillips,	William Gibbs
William Campbell,	Thomas Mossington, of Eldon
Josias Taylor,	William Bagshaw, of Brock-
John Lynch,	Matthew Cowan,
Francis Campbell,	Elmes Steel,
James Young,	Edward Ryall,
George Lount,	John Coates,
William Algo,	Thomas M'Conkey,
John Dawson,	John Carthew,
William Laughton,	John Thompson, of Orillia,
James Henderson,	Anthony B. Hawke,
Archibald Barker,	Thomas Henderson,
John Button,	Andrew Mitchell,
Peter Reesor,	Samuel Richardson,
John Anderson,	Frederick Stephens, of Te-
Francis Leys,	cumseth,
Francis R. Tincombe,	Robert Newcomen Algeo,
Charles Fothergill,	Meyrick Lally,
A. McLean, of Scarborough,	Edward W. Thomson, Es-
Robert Douglas, Hamilton,	quires—122.
William Raines,	

*Secretary's Office,  
Toronto, 13th February, 1835.*

I certify that the foregoing is truly extracted from the Registry in this Office, Book G. folio 90.

D. CAMERON,  
*Secretary & Registrar.*

No. 98.

### Upper Canada.

*RETURN of the Magistrates of the Newcastle District, appointed under a Commission of the Peace, dated the 9th January, 1835.*

---

After the Members of the Executive and Legislative Councils, and the Judges of the Court of King's Bench.

---

Elias Jones,

Richard Lovekin,

Alexander Fletcher,  
 Richard Hare,  
 John David Smith,  
 Robert C. Wilkins,  
 John Platt,  
 Robert Henry,  
 Samuel Street Wilmot,  
 Archibald McDonald,  
 Charles Rubidge,  
 James G. Bethune,  
 Benjamin Cumming,  
 John Taylor,  
 John Hutchinson,  
 William Ouston,  
 Sheldon Hawley,  
 John Covert,  
 John Williams,  
 William Sowdon,  
 David Smart,  
 William Falkner,  
 John Brown,  
 William Shaw,  
 Joseph A. Keeler.  
 John Lester,  
 Robert Reid,  
 Robert Fairbairn,  
 William Warren,  
 Patrick M'Guire,  
 John Huston,  
 Eliakim Barnum,  
 James Rogers,  
 Francis Connin,  
 Thomas Car,  
 Thomas Walker,  
 John Steel,  
 Richard Birdsall,  
 Alexander McDonnell,  
 John Hall,  
 John Burnham,  
 George G. Bird,  
 Alexander Sharp, senior,  
 Robert Brown,  
 John Logie,

Cheeseman Moe,  
 John Thompson,  
 George Hughes,  
 Thomas Murphy,  
 Edward Spring Hickson,  
 Ephraim Sanford,  
 Edward Duffy,  
 Robert Hamilton,  
 Daniel Griffith,  
 Jackson S. Stephenson,  
 J. Dunbar Moody,  
 Walter Crawford,  
 James Thompson,  
 Robert Jameson,  
 James Wallis,  
 Alexander M'Andrew,  
 John Darcus,  
 Thomas Need,  
 George A. Hill,  
 Robert P. Madge,  
 William Smart,  
 John Hay,  
 David Campbell,  
 Francis Shea,  
 Thomas Masson,  
 John B. Crowe,  
 William Robertson,  
 John Gilchrist,  
 Benjamin Throop,  
 John Crease Boswell,  
 George Ham,  
 Ebenezer Perry,  
 Robert P. Butcher,  
 Charles G. Buller,  
 Thomas Reed,  
 Henry Duffield,  
 Walter Crawford,  
 William Kingsmill,  
 Dugald Campbell,  
 John Knowlson,  
 Allan Wilmot,  
 Henry Monroe,  
 Asa E. Walbridge, Esqrs—88.

SECRETARY'S OFFICE,  
 Toronto, 13th February, 1835. }

I certify that the foregoing is truly extracted from the Ra-

gistry in this Office. Liber E, folio 8.

D. CAMERON,  
*Secretary & Registrar.*

No. 99.

**Upper Canada.**

*RETURN of the Magistrates of the District of Prince Edward, appointed under a Commission of the Peace, dated the 15th March, 1834.*

After the Members of the Executive and Legislative Councils, and the Judges of the Court of King's Bench.

John Stinson,  
James Cotter,  
Reuben Bedle,  
Henry M'Donell,  
Robert C. Wilkins,  
Simeon Washburn,  
James Dougall,  
Alexander M'Donell,  
Hugh M'Donell,  
Griffith Howell,  
Henry Dingman,  
Gwilliam Demorest,  
Andrew Deacon,  
Benjamin Hubbs,  
Samuel Sulmes,  
Charles Biggar,  
David Smith,  
David Walt,  
Archibald M'Faul,  
Thomas Nash,  
Owen M'Mahon,

Donald Bethune,  
Charles Bocker,  
David B. Stevenson,  
William Dougall,  
Daniel Haxe,  
David Stinson,  
James Thompson Lane,  
Thomas Flagler,  
Paul Clapp,  
John P. Rollin,  
John B. Way,  
Thomas M'Mahon,  
Andrew Kerr,  
John Lane,  
Henry Van Duzen,  
Jacob Howell,  
John Pepper Downes,  
James Fairfield,  
Peter W. Ruttan,  
George Drewry,  
Benj. Weller, Esquires—42.

SECRETARY'S OFFICE, }  
Toronto, 13th February, 1835. }

I certify that the foregoing is truly extracted from the Registry in this office. Book, G. folio 155.

D. CAMERON,  
*Secretary & Registrar.*

# MAGISTRATES.

No. 100.

## Upper Canada.

*RETURN of the Magistrates of the Midland District, appointed under a Commission of the Peace, dated 13th December, 1834.*

---

After the members of the Executive and Legislative Councils and the Judges of the Court of King's Bench.

---

Robert Williams,  
John Embury,  
Thomas Markland,  
William Crawford,  
Jacob B. Chamberlain  
Solomon Hazleton,  
Matthew Clarke,  
Thomas Empey,  
Thomas Sparham  
Benjamin Fairfield,  
Isaac Fraser,  
John Church,  
Samuel Dorland,  
Christopher German,  
Charles Anderson,  
Allan McPherson,  
James Samson,  
Anthony Marshall,  
John Macaulay,  
Alexander Pringle,  
Colin McKenzie,  
Robert Richardson,  
Richard Lowe,  
John Turnbull,  
William Johnston McKay,  
Jonathan Allan,  
Jacob Rambough,  
John Marks,  
Richard Hitchens,  
Orton Hancox,  
Jacob Shibley,  
William Ketcheson,  
Thomas Parker,  
Peter Perry,  
Anthony Manahan,  
Samuel Clark,

Archibald Caton,  
William Bowen, Junior,  
Henry Smith,  
George A. Bidley,  
Lawrence Herchmer,  
Samuel Casey,  
James McGregor,  
Adam Krien,  
Archibald McNeil,  
James McFarlane,  
George Baker,  
William H. Gray,  
Archibald McDonell, of Hazel  
Bank,  
John Portt,  
Edward Fidler,  
Allan Munro,  
Elijah Ketcheson,  
Thomas D. Appleby,  
Solomon Solms,  
Calvin Wheeler,  
Donald Murchison,  
Benjamin Seymour,  
Peter Davy,  
Edward Howard,  
Davis Hawley,  
William Holditch,  
William Simpkins,  
Horace Yeomans,  
William Logie,  
Alexander Cowan, Senior,  
Thomas Askew,  
John Strange,  
Elijah Beach,  
George H. Detier, Esquires

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616

MAGISTRATES.

SECRETARY'S OFFICE,  
Toronto, 13th February, 1834. }

I certify that the foregoing is truly extracted from the Registry in this office—Book E, folio 4.

D. CAMERON,  
Secretary and Registrar.

No. 161.

Upper Canada.

RETURN of the Magistrates of the District of Johnstown; appointed under a Commission of the Peace, dated the 22nd July, 1833.

After the members of the Executive and Legislative Councils and the Judges of the Court of King's Bench.

Joel Store,  
Gideon Adams,  
Stephen Barritt,  
Richard Arnold,  
Hugh Mauro,  
Daniel Bursht,  
Uri Scovill,  
Phillip Phillips,  
Lewis Grant,  
Sylvester Wright,  
Benjamin R. Munsell,  
Richard D. Fraser,  
Thomas Fraser,  
Alexander Morris,  
Thomas D. Campbell,  
Rufus C. Henderson,  
William Wells,  
Abraham Dayton,  
Alexander McMillan,  
Bartholomew Carley,  
William H. Bottom,  
William Morris,  
Truman Hard,  
Henry Burrett,  
Philip Dolanage,

Terence Smith,  
Jonathan Fulford,  
John Weatherhead,  
Justus S. Merwin,  
Archibald McLean,  
Alpheus Jones,  
Henry Jones,  
Elnathan Hubbell,  
Dunham Jones,  
William Brown,  
James Morris,  
William R. F. Berford,  
John McLean,  
John McDonald,  
William L. Whiting,  
Philip Shook,  
John Deming,  
William Kay,  
William P. Loucks,  
Basil R. Church,  
Jonas Jones,  
William McQueen,  
James McIlmoyle,  
William J. Scott,  
Peter Scofield,

George Breakenridge,  
Joseph K. Hartwell,  
John Leggett,  
Walter Atkins,  
Robert Powell,  
William Freeland,  
George Crawford,  
Samuel Thomas, Junior,  
George Longley,  
William Weatherhead,  
William Brooks,  
Paul Glasford,  
John Patton,  
John L. Reade,  
Hamilton D. Jessup.

Henry Bradfield,  
James L. Schofield,  
Nicholas Horton,  
Thomas Shuffield,  
John Kilburne,  
James Shaw, (Crosby,)  
John Hobson,  
Robert Harvey,  
Hiram Norton,  
John R. Berford,  
Richard Johnson,  
Joseph Goff,  
Robert Edmonson,  
Nicholas Brisee, Esqrs.—79.

SECRETARY'S OFFICE,  
Toronto, 13th February, 1835. }

I certify that the foregoing is truly extracted from the Registry in this office—Book G, folio 115.

D. CAMERON,  
*Secretary & Registrar.*

No. 102.

### Upper Canada.

RETURN of the Magistrates in the District of Bathurst, appointed under a Commission of the Peace, dated the 12th November, 1833.

After the Members of the Executive and Legislative Councils, and the Judges of the Court of King's Bench.

Alex. Thom,  
William Morris,  
William Marshall,  
George Thew Burke,  
Alexander M'Millan,  
William B. Bradley,  
James Dent Weatherly,  
John Benning Monk,  
Joseph Maxwell,

Josias Tayler,  
Sewell Ormsby,  
Benjamin Street,  
John Watson,  
Roderick Matheson,  
Alexander Fraser,  
Anthony Leslie,  
Donald Fraser,  
John F. Elliott,

Charles H. Sache;	Edward Logan,
Henry Graham,	James Grierson,
Christopher J. Bell,	John Hutchinson;
Robert Stephens,	James Rae,
Archibald MacNabb;	James Wilson,
George Lyon,	John Le Briton;
John B. Lewis,	James Hume,
Robert Shiriff,	Anthony Philip,
Daniel Baird,	John M'Intyre,
Henry Glass,	Francis Hall,
John Ferguson,	George William Baker;
John Burford,	Matthew Connell,
Hannet Pinhey,	Daniel O'Connor,
William Rutherford FitzWil-	Benjamin Billings,
liam Burford;	Simon Fraser,
Daniel Fisher,	Thomas M'Kay,
Matthew Leach,	Alpine M'Millan,
Daniel M'Kinnon.	John Grant,
John Grenvill),	Andrew Buchanan,
Edward Samuel Bradley;	James Wylie,
John Richey,	Ebenezer Wilson,
Alexander M'Vicer,	Joshua Adams, Esquires—62.
George Temant,	

SECRETARY'S OFFICE, )  
 Toronto, 13th February, 1835. }

I certify that the foregoing is truly extracted from the Registry in this office. Book G. folio 137.

D. CAMERON,  
 Secretary & Registrar.

No. 103.

### Upper Canada.

RETURN of the Magistrates of the Eastern District, appointed under a Commission of the Peace, dated the 15th day of December, 1834.

After the members of the Executive and Legislative Councils, and the Judges of the Court of King's Bench.

Samuel Anderson,  
 John M'Intyre,

John Chrysler,  
 Joseph Anderson,



Lawrence M'Kay,	Angus M'Donell,
Benjamin French,	John M'Lellan,
Alexander Mackenzie,	Alpin Grant,
William Morgan,	David Jones,
Alexander M'Martin,	John Cameron,
Duncan M'Donell,	Simon Clark,
Guy C. Wood,	Michael Empey,
Alexander Rose,	John Archibald,
Ambrose Blacklock,	William Bruce,
Allan Cameron,	John Waldroff, junior,
Alexander Chisholm,	Donald Æ. M'Donell,
Alexander Fraser,	Alexander M'Lean,
John M'Gillivray,	William Cline,
James Pringle,	Alexander M'Donald, [late of
D. Thompson,	Glengarry Light Infantry.]
Philip Vankoughnet,	John M'Bean,
Duncan Cameron,	Donald Catenach,
Simon Fraser,	Alexander M'Nab,
John Duncan Campbell,	Archibald M'Donald,
Hugh M'Gillis,	Neil M'Donald,
Peter Shaver,	Duncan Clark,
James M'Donell, of Matilda,	James W. Powell,
John M'Donell, of Grey's	Angus Catenach, Esquires—
Creek,	49.

SECRETARY'S OFFICE, }  
 Toronto, 13th February, 1835. }

I certify that the foregoing is truly extracted from the Registry in this office. Book E. folio 1.

D. CAMERON,  
 Secretary & Registrar.

No. 104.

UPPER CANADA.

RETURN of the Magistrates of the Ottawa District, appointed under a Commission of the Peace, dated the 17th March 1834.

After the Members of the Executive and Legislative Councils, and the Judges of the Court of King's Bench.

John McDonell,

George Hamilton,

David Pattie,	Charles A. Low,
Joseph Kellogg,	William Coffin,
Philo Hall,	John Roe,
John Brush,	Peter Sterling.
Chauncey Johnson,	Bradish Billings,
Charles Shiriff,	Neil Stewart,
Joseph P. Cass,	Daniel Wyman,
John Cairnes,	Elijah Kellog,
James Molloy,	Thomas McKay,
John Chesser,	Matthew Connell,
James Fox,	Simon Fraser,
Archibald McDonell, of Os-	George S. Jarvis,
goode,	Elisha Loukes,
Peter McLaren,	Archibald Sterling,
Alexr. McDonell,	Wm. Wait, of Longueil, Es-
Hugh McLachlin,	quires—32.

SECRETARY'S OFFICE, }  
 Toronto, 15th February, 1835. }

I certify that the foregoing is truly extracted from the Registry in this Office—Book G. folio 157.

D. CAMERON,  
*Secretary & Registrar.*

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No. 105.

A RETURN of the Commissioners of the Courts of Requests for the several Districts of Upper Canada, shewing the date of the respective Commissions.

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EASTERN DISTRICT.

Division.		
	{	
	John McLennan,	
	Alexander McKenzie,	
	Donald McPherson,	
1st.	{	} 10th March 1834.
	Angus Catenach,	
	John McBean,	
	Angus McGillis,	
	John Millar,	
	John McGillivray,	
	{	
	Alexander Fraser,	
	Alexander McMartin,	
2nd.	{	} 10th March 1834.
	David Thompson,	
	John McIntyre,	
	Alexander McKenzie,	

3rd.	{ Alexander Chisholm, Angus McDonell, Allen Cameron, Archibald McDonald, Angus McGilivray, Alexander McNab, Allan Cameron, Donald Catenach, Alexander McDonell (Teacher.)	} 10th March 1834.
4th.	{ John McDonell, Neil McDonald, Alexander Fisher, Duncan McPherson, Joseph Anderson, Philip Vankoughnet, Guy C. Wood, James Pringle, Alexander McLean,	} 10th March 1834.
5th.	{ William Cline, Noah Dickinson, William Mattice, Angus McDonell, Benjamin French, Simon Fraser, Simon Clark, Michael Empey, John Archibald, William Bruce,	} 24th August, 1833.
6th.	{ Duncan McMillan, John Waldruff, Jacob W. Empey, Joseph Boccus, Alex. Rose, George Marklay, Jacob Wengent,	} 24th August, 1833.
7th.	{ John Crysler, William Kyie, John W. Loucks, William Swayue, John Marsels,	} 10th March, 1834.
8th.	{ John Cook, John Dillabaugh, James McDonell, Duncan Clark, Jacob Brouse,	} 20th Sept. 1833.
9th.	{ George Brouse, James West, Alexander Wylie, Hugh McCaragar.	} 10th Sept. 1833.
10th.	{ David Brown, John Madock,	} 20th Sept. 1833.

11th.	{ John Crysler, Duncan McMillan, John Link, junior, Hector McLean, Alexander McMillan, James H. Crysler,	} 19th May, 1834.
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## OTTAWA DISTRICT.

Division.		
1st.	{ Charles P. Treadwell, David Pattie, Chauncey Johnson, Peter Stirling, William Wait, John Wurtele Marston, John Kearns, James Molloy,	} 28th May, 1834.
2d.	{ John Paxton, John Chesser, John Buchanan, John Brush, Bradish Billings, Archibald McDonell, Thomas McKay, Colin McNab, William Smith,	} 20th August, 1833.
3d.	{ Neil Stewart, Elijah Brown, Charles Hersey, John McCann, William Teasdale, Donald McLeod,	} 20th August, 1833.
4th.		

## JOHNSTOWN DISTRICT.

Division.		
1st.	{ George Longly, Hiram Norton, John Patton, Samuel Thomas, Philip Dalmage, Alexander McMillan, Angus McDonell, William McQueen, Duncan Clarke, John L. Read, Thomas Buck, John Kilborne, Basil R. Church, Terence Smith,	} 22d August, 1834.
2d.		
3d.		

4th.	{ Stephen Burrett, Hamlet Burrett, Andrew Moore,	} 22d August, 1834.
5th.	{ Henry Burrett, William R. Bethune, William Ray, Truman Hurd,	} 22nd August 1834
6th.	{ Henry Sherwood, George Mallock, J. B. O. Ford, John Bogert, Paul Glasford,	} 22nd August 1834
7th.	{ Joseph K. Hartwell, John Weatherhead, John McDonell, Benjamin K. Munsell, Archibald McLean,	} 22nd August 1834
8th.	{ Ephraim Koyl, Benjamin Hamblin, Joseph Goff, Wyatt Chamberlain, William Green, William R. De Rinzy,	} 22nd August 1834
9th.	{ George Brackearidge, Peter Schofield, John Deming, Seneca Washburn,	} 22nd August 1834
10th.	{ John Legett Benjamin Tett, Samuel Halliday, James Stanton, William Manhard,	} 22nd August 1834
11th.	{ James L. Schofield, William P. Loucks, James Shaw, William Simpson, William Brooke.	} 22nd August 1834

BATHURST DISTRICT.

Division.

1st.	{ William Morris, Donald Fraser, Alexander McMillan, Jesias Taylor, Roderick Matheson, John McKay, Charles H. Sacke, Robert Bell, Anthony Phillips, John McEwen,	} 24th August 1833.
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2nd.	{ George Lyon, George T. Burke, James Hume. J. B. Lewis, Sewell Ormsby, Joseph Maxwell, Daniel McKinnon, Daniel Fisher, G. W. Baker, William Thomson, Daniel O'Connor, Simon Fraser, J. Anderson, Matthew Connell, John Grierson, George Clark.	} 20th Sept. 1831.
3rd.	{ Edward Logan, Henry Edwards, Hamnett Tinbey, Archibald McNab, James Morris, Andrew Dickson, J. McMillan. Andrew Buchanan, George Buchanan, William Rogerson, James Hadgen, James Rea, James Wylie, John Hutchinson. Matthew Leach, George Tenant, John Hall, John Smith, Neil McNeil.	} 24th August 1833
4th.	{ John Lovington, John McLutye, John Armour. John Bennett; Peter Campbell, James Gilmour, John Clarke, Daniel Fisher, Francis Hall.	} 24th August 1833.
5th.	{ Christopher J. Bell, Frederick J. Daniel, Thomas B. Moore,	} 10th January 1835.
6th.	{ Israel Webster, Alexander Duer, Finlay McEwan, C. Lin McLaren.	} 24th August 1833.
7th.	{	
8th.	{	
9th.	{	
10th.	{	

## MIDLAND DISTRICT.

Division.	{	Hugh C. Thomson, Henry Smith, James McFarlane, William H. Gray, Alexander Pringle, John Strange, Archibald McDonell, Walter McCuniffe, Jacob Sibley, William Holditch, William Lattimore, Junr. Lewis Daly, Peter Switzer, Isaac Frazer. William J. McKay, Orton Hancox, Benjamin Seymour, William Fairfield, Junr. Jacob Rambough, Samuel Clark. William J. P. Bartells, Archibald McNeil, John Campbell, Calvin Wheeler, James Frazer, David L. Thorpe, Peter Perry, Samuel Dorland, Samuel Casey, Jacob Detlor, William Sillis. Allan McPherson, James McGregor, William Bowen, Archibald Caton, Donald Murchison, John Turnbull, Thomas Parker, William Ketcherson, Junr. Solomon Hazleton, Henry Hagerman, Henry Baldwin, ——— Zwick, Isaac Denike, Richard Newton, Edward Fidler, John Anderson,	}	24th August, 1833.
1st.	{		}	
2nd.	{		}	1st April, 1834.
3rd.	{		}	24th August, 1833.
4th.	{		}	
5th.	{		}	23rd June, 1834.
6th.	{		}	
7th.	{		}	24th August, 1833.
8th.	{		}	10th March, 1834.

## PRINCE EDWARD DISTRICT.

Division.	{	Hugh McDonell, Henry Dingman, Henry McDonell, Andrew Kerr,	}	12th April, 1834.
1st.	{		}	

2nd.	{ Owen McMahon, Benjamin Richards, John Lane, Henry Vandosen, Peter Huff, James Dougall, James Ceiter,	} 12th April, 1834.
3rd.	{ William Rorke, Benjamin Hubbs, Simeon Washburn, Roger B. Conger, Samuel Solmes,	} 12th April, 1834.
4th.	{ Gwilliam Demorest, Griffith Howell, Peter W. Ruttan.	} 12th April, 1834.
5th.	{ Archibald McFaul, John McPherson, John German, Stephen Niles, Thomas Flagler, Paul Clapp.	} 12th April, 1834.
6th.	{ Charles Biggar, Robert C. Wilkins, John P. Roblin, William Brickman, William Anderson, Thomas McMahon,	} 12th April, 1834.

## NEWCASTLE DISTRICT.

1st.	{ Robert C. Wilkins, Elijah W. Meyers, William Robertson, Sheldon Hawley, John V. Murphy, John Steele, Thomas Reed.	} 24th Aug. 1833.
2nd.	{ Thomas Bailey, Donald Campbell, Joseph A. Keeler, James G. Rogers, E. Barnum.	} 2nd October, 1833.
3rd.	{ Benjamin Ewing, Richard Hare, John Taylor, John Grover, James G. Bethune, Robert Henry, Walter Crawford.	} 24th Aug. 1833.
4th.	{ Elias Jones, Asa A. Burdham, William Hartwell, Charles G. Boller, Archibald McDonald, George Ham,	} 24th August 1833.



5th.	{ Richard Bullock, John D. Smith, William Sowden, John Burnham, D. Smart, Thomas Benson, William Wallis, Samuel S. Wilmot, William McIntosh, Richard Lovekin,	} 24th August 1833.
6th.	{ William Warren, John Scott, Asa E. Walldridge, David Burke, G. Smart, G. Hughes, William Lawson, Patrick McGuire, John Thompson, George Elliott, Alexander Brown, John Huston, Christopher Knowlson. Sen'r.	} 24th August 1833.
7th.	{ Henry Ewing, Duncan Cameron, Daniel Williams, Eldridge Irish, Israel Ferguson, Kenneth McCaskill, Thomas Mitchell, Angus McDonald, William Cottingham, Richard W. Marmion.	} 10th March, 1834.
8th.	{ Charles Rubidge, John Hall, William Smart, Daniel Griffiths, Ephraim Sanford, Edward Hickson, Robert Reed.	} 10th March, 1834.
9th.	{ Richard Birdsall, Thomas Walker, Thomas Carr, Adam Starke, James Thompson, Robert Reade,	} 24th August 1833.
10th.	{ Robert Brown, Thomas Trail, Samuel Strickland, Isaac Blair, John Platt, Junr.	} 24th August 1833.
11th.	{ James Platt, David Cummings, Comfort Curtis,	} 10th March, 1834.

14th	{ Robert P. Madge. Thomas Need, John Darcus, John Tice,	} 24th August 1833.
15th	{ Thomas Allan. Benj. Butler Ranney. Philip Le Vescount, R. N. Cheeseman Moc,	} 28th June, 1834.
16th	{ John Legie, William Purdy, David Culbert.	} 27th May, 1834.
17th	{ Asa E. Waldridge. Thomas J. Grover, Robert Adair, Edward Drewry, Alexander Coulter.	} 27th May, 1834.

## HOME DISTRICT.

Division.		
1st.	{ Lawrence Hayden, John B. Warren, Alexander Armstrong. John Farquharson. Daniel Griffin, Charles Fothergill.	} 24th Aug. 1833.
2nd.	{ Francis Leys, John Galbraith, H. Boys.	} 24th August 1833.
3rd.	{ Alexander Wood. Robert Gillespie, James Edward Small. John G. Spragge, William Hepburne.	} 24th August 1833.
4th.	{ Benjamin Monger. Francis Campbell, John Lemon, John Scott.	} 16th May, 1834.
5th.	{ C. J. Baldwin. William Campbell, John Coates. Edward W. Thomson.	} 14th August 1833.
6th	{ John Gamble. William Thomson. F. S. Jarvis, J. McGill.	} 24th August 1833.
7th.	{ Thomas Magrath, James Miles, Hector McQuarrie. William Farsens, Benjamin Thorne, Simon Lee, David Bridgford.	} 24th August 1833.

8th.	{ William Crookshank, John Anderson, James Young, Richard Gapper, William B. Robinson,	} 24th August 1833.
9th.	{ James Henderson, Thomas Henderson, William Roe, Francis Hewson, Lewis Algeo,	} 24th August 1833.
10th.	{ Samuel Lount, George Ramsay, John Dawson, Arad Smalley,	} 24th August 1833.
11th.	{ James O'Brien Boucher, William Johnson, Henry Stennett, Matthew Cowan, George Spence,	} 24th August 1833.
12th.	{ John Coburn, George Snell,	} 19th May, 1831.
13th.	_____	_____
14th.	_____	_____
15th.	{ James William Hamilton, Thomas G. Anderson, William Woodin, Andrew Mitchell, Samuel Richardson, William Simpson, Robert Oliver, Edward F. Davis, Edward O'Brien,	} 24th August 1833.
16th.	{ Arthur Cartlew, John Cartlew, John Thompson, Elms Steele, William Turner, William Gibbs,	} 24th August, 1833.
17th.	{ L. McLean Cameron, John Edward White, Duncan Cameron,	} 7th Feb'y, 1831.

## GORE DISTRICT.

Division.

1st.	{ Richard Beasley, Daniel K. Servoz, Ehjah Secord, John Young, David McNab,	} 24th August, 1833.
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2nd.	{ John Willson, James Gage, Hugh Willson, Henry Benner, John L. Law,	} 24th August, 1833.
3rd.	{ Matthew Crooks, Alexander Roxburgh, Job Loder, John Aikman, Junr. John Haycock,	}
4th.	{ William Richardson, James Racey, James Winnet, Reuben Leonard, William Holme, William Muirhead, William Dickson, junior.	} 13th Feb. 1834.
5th.	{ Absalom Shade, Robert Murray, John Smith, George Stanton. Robert Bellingal. William Wedd.	} 30th Oct. 1835. /
6th.	{ William Scollick, Rowland Wingfield, William Heath,	} 24th August, 1833.
7th.	{ Thomas Smith, William Reynolds, David Calkison, George Wilson. James Webster,	} 11th Nov. 1834.
8th.	{ Henry Strange. Edmund Huntley, George J. Mackelcan, George Lamprey, Robert Alling,	} 24th August, 1833.
9th.	{ William Trout, John M'Kee, Donald M Millan,	} 24th August, 1833.
10th.	{ Thomas Fyfe, John Burns, James Laidlaw, Alexander Campbell, James Hume,	} 24th August, 1833.
11th.	{ Alexander Proudfoot, George Chalmers, Charles Biggar, Peter Henry, Levi Willson,	} 24th August, 1833.
12th.	{ William M'Kay, George Chisholm, Joseph Ireland,	} 24th August, 1833.

13th.	{ Manuel Overfield, Thomas Racey, James B. Ewart, Andrew T. Kirby, James Durand, }	} 24th August, 1833
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## NIAGARA DISTRICT.

Division.

1st.	{ Robert Grant, Robert Melville, James Lockhart, Richard Woodruff, William Servos, William M. Ball, Daniel M'Dougall, John Lyons, }	} 20th August, 1833.
2d.	{ Ogden Creighton, Gilbert M'Micking, John C. Green, James Robinson, Malcolm Laing, }	} 16th Oct. 1831.
3d.	{ George Mackenzie, Alexander Douglass, William Powell, James Johnson, William Smith, }	} 20th August, 1833.
4th.	{ — Tench, Crowell Wilson, junior, Duncan M'Farland, Phineas Robinson, Michael Graybiel, }	} 20th August, 1833.
5th.	{ James Black, George Keefer, William Adams, Charles K. Fell, Moses Brady, John M'Glashan, junior, }	} 20th August, 1833.
6th.	{ John Clark, William Hamilton Merritt, George Adams, Robert Burns, Joseph Clark, Henry Mittleberger, Oliver Phelps, William White Ramcock, }	} 5th June, 1834.
7th.	{ Henry Nelles, Smith Griffin, Henry W. Nelles, John Paterson, William Nelles, }	} 31st Oct. 1833.

8th.	{ Benjamin Canby, William Robertson, Thomas Hardy, John Upper, Philip Dean, William Hardy.	} 23th May, 1831.
9th.	{ Andrew Thompson, Samuel Birdsall, Alpheus S. St. John, Warner Nelles, James Wannett, Edward Evans, David McFarlane Field,	} 29th August, 1831.
10th.	{ Geoffrey Brock Hall, James Stewart, William Steel, William Wilson, James Hector Mackenzie,	} 12th April, 1831.

## LONDON DISTRICT.

Division.		
1st.	{ George C. Salmon, Colin McNeillidge, John Kirk-Patrick, William Wilson, William Salmon, James Graham,	} 29th Sept'r, 1831.
2nd.	{ James Blaney, Donald Fisher, Henry Webster, Donald McLennan, John Barwell, Robert Grey Kirkland	} 6th January, 1831.
3rd.	{ Isaac Draper, Andrew Dobbie, Gilbert Wrong, Phillip Hodgkinson, Henry Warren, John Bostwick,	} 24th August, 1833.
4th.	{ Edward Eumathingier, John Waddle, James Hamilton, John Warren, Lesslie Patterson, John Pierce,	} 24th August, 1833.
5th.	{ Stephen Baccu, Donald Currie, George Mumroe, John C. Gillies, Evan McKinlay,	} 9th August, 1833.

6th.	{ J. B. Askin, Ira Schofield, B. B. Brigham, William Robertson, Walter M'Kenzie, Benjamin Springer, R. N. Starr,	} 18th Sept. 1833.
7th.	{ William Young, William Radcliff, James Peel Bellair, Christopher Beer, Robt. Johnston, Thomas Radcliff.	} 28th July, 1834.
8th.	{ James Craig, Joseph B. Clench, John Philpott Curran, Harry Cook, Peter Carroll,	} 28th July, 1834.
9th.	{ James Ingersoll, William Gordon, Joseph Woodroe,	} 24th Aug. 1833.
10th.	{ Solomon Lossing, William Hardy, James Barwick, Andrew Drew,	} 24th Aug. 1833.
11th.	{ James Hutton, Alex. W. Light, John Hatch, E. Buller, Thomas Horner, Eliakim Malcolm,	} 21th Aug. 1833.
12th.	{ John Kelly, John Weir, John Moore, William Dunlop,	} 24th Aug. 1833.
13th.	{ Robt. Dunlop, Charles Prior, John Brewster,	} 21th Aug. 1833.

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WESTERN DISTRICT.

Division.

1st.	{ William Elliott, Charles Askin, Alexander Chewett, John L. Williams, Charles Baby,	} 24th Aug. 1833.
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2d.	{ Charles Berczy, Robert Reynolds, Francis Caldwell, William Duff,	} 28th May, 1834.
3d.	{ Prideaux Girty, Joseph Wigg, Thomas Renwick, J. Scratch,	} 24th Aug. 1833.
4th.	{ James W. Little, James D. Dolson, John J. Roe, James Price, Jeremiah Declute,	} 28th May, 1834.
5th.	{ Joseph Wheatley, William Nash, David Baldwin, Duncan Warren, James Carswell, Duncan McGregor,	} 10th March, 1834.
6th.	{ George Jacob, junior, Peter Paul Lacroix, Robt. S. Taylor, Christopher Arnold, senior, Henry Van Allen, William M'Crae, George P. Kerby,	} 5th Nov. 1833.
7th.	{ Samuel Arnold, Nathan Cornwall, Alex. Wallen, William Taylor, James Bogert, Henry Jones, William Jones, Claude Govin, James Henderson,	} 10th March, 1834.
8th.	{ Angus M'Donald, G. Hyde, Alfred Toulmin, Robert Watson, Frome Talfourd, George Durand, Field Talfourd,	} 10th March, 1834.

WILLIAM ROWAN,  
*Civil Secretary.*

GOVERNMENT OFFICE, }  
20th February, 1835. }



## No. 106.

INSPECTOR GENERAL'S OFFICE,  
Toronto, 17th February, 1835.

SIR,

In obedience to His Excellency's commands, I have the honor to state for the information of the House of Assembly that Collectors and Inspectors, on their appointment, are given to understand that they must be resident at the ports and places which have been duly established for those offices.

It having been intimated to the Lieutenant Governor some time since, that in all cases there was not a proper compliance with those instructions, I had the honor of transmitting a circular, the copy of which is herewith inclosed.

I have the honor to be,

Sir,

Your obedient humble servant,

GEORGE H. MARKLAND,  
*Inspector General,*To COLONEL ROWAN,  
&c. &c. &c.

## No. 107.

INSPECTOR GENERAL'S OFFICE,  
4th November, 1833.  
(CIRCULAR.)

SIR,

I have the honor by the direction of His Excellency the Lieutenant Governor, to acquaint you, that as His Excellency understands that the duties of Collectors of Customs are in several instances altogether performed by Deputy, he requests that the Collectors of the Province may be informed, that it will not be in his power to continue any Collector in office who does not reside at the post under his particular charge, and execute the duties demanded of him.

I have the honor to be,

Sir,

Your most obedient humble servant,

GEORGE H. MARKLAND,  
*Inspector General.*To COLLECTORS.  
[A true copy.]

A RETURN of Persons, who were Members of the last House of Assembly, who have accepted offices of emolument under the Provincial Government, since the General Election 1830, with the places or situations given them.

NAMES.	PLACE OR SITUATION.	DATE.
Richard D. Errey, Philip Vankoughnet, Donald McDonald, Wm. Chisholm,	Collector of Customs, Brockville, Inspector of Licences, Eastern District, Do. do. Ottawa District, Collector of Customs, Oakville,	24th December, 1831 12th October, 1832 28th March, 1834 10th August, 1834

WILLIAM ROWAN,  
Civil Secretary.

Government Office, 20th February, 1835.

No. 109.

A RETURN of all Members of the Present House of Assembly who hold Offices or Employments of Profit and Emolument under the British or Colonial Governments, or who enjoy Pensions, Half Pay, or Retired Allowances, during the Pleasure of the Crown, describing the Offices so held and the nature and extent of the Duties to be performed by the Incumbent.

NAMES.	Offices, or Employments, of Profit, Pensions, Half Pay, or Retired Allowances, held during the Pleasure of the Crown.	Description of the Offices so held, and the nature and extent of the Duties to be performed by the Incumbent.
George S. Donkin,	Registrar, County of Northumberland.	The Office of County Registrar is established by the Provincial Statute 35 Geo. 3. ch. 5, in order that if any lands, after being confirmed by a Grant from the Crown, be transferred or alienated, that a Memorial of such transfer or alienation shall be Registered for the better securing and more perfect knowledge of the same; and the duties of the Officer are to Register the said Memorial, also to make searches in and give Certificates from the Office; and to administer the oath of allegiance in certain cases.
Francis Caldwell,	Collector of Customs at Ambergburg.	The nature and extent of the duties of a Collector of Customs are defined by several Provincial Statutes.
Alexander Chisholm,	Lieutenant on half pay.	No duties.
David Jones,	Judge of the District Court Eastern District, Commissioner of Customs, Zechsteden District.	As Judge to hold plea in all matters of contract from fifty shillings to fifty pounds, and when the matter is liquidated or ascertained either by the act of the parties or the nature of the transaction to for-

ty pounds; and also in all matters of tort, respecting personal chattels, when the damages to be recovered shall not exceed fifteen pounds, and the title to land shall not thereby be brought in question. As a Commissioner of Customs to hear and determine, with one or more Commissioners in a summary way, seizures of goods to the value of forty pounds, and to try informations for penalties under the Act of the 11th Geo. 4th, Chap. 11th.

Conducting Crown prosecutions and attending to such other duties as appertain to the office of Crown Officer.

Attending sales of the Crown Lands and Clergy Reserves in the District of Newcastle, and the locating of Emigrants.

The duties of which are, viz: carrying into execution the sentence of the law—empanneling Juries for the several Courts and serving the different writs and executing the judgments of the same within the said District.

Do. Do.

No duties.

Sheriff of the District of Ottawa.

Donald Macdonell,  
Donald A. Macdonell,

Clerk of the Peace, Eastern District, Registrar of Counties, Stormont and Dundas District, Surrogate Court, Eastern District. Captain on half pay, incorporated militia.

Archibald McLean,

RETURN.

As Clerk of the Peace to keep Records of General Quarter Sessions and make out indictments, &c. in prosecutions pending therein, and also Collectors Rolls, &c. &c. &c. As Registrar of the Surrogate Court to record Wills, and keep all the Records of the Court. The office of County Registrar is established by the Provincial Statute 35th Geo. 3, Chap. 5, in order that if any land, after being confirmed by grant from the Crown, be transferred or alienated, that a memorial of such transfer or alienation shall be registered for the better securing and more perfect knowledge of the same, and the duties of the officer are to register the said memorial, also to make searches in, and give certificates from the office, and to administer the oath of allegiance in certain cases. No duties as Captain on half pay.

Christophér A. Hagerman,

Alexander McDonell, Nor-  
thumberland,

Alexander McDonell of?  
Prescott,

Wm. H. Merritt,	Collector of Customs, Port Dalhousie, Deputy Post Master, St. Catharines,	Resigned, resignation dated the 1st February, 1835. To keep an office open for the receipt and delivery of Letters every day in the year, furnishing fire and candle, and to perform the other duties generally appertaining to such an office—for which no direct allowance is made.
Charles Richardson,	Clerk of the Peace, Niagara District.	As Clerk of the Peace the incumbent generally attends all Courts of Quarter Sessions of the Peace, as well as adjourned and Special Sessions, and when absent with the approbation of the Chairman and other Justices, he appoints a Deputy, for whose acts he holds himself personally responsible. There are various Provincial Acts, by which the incumbent is guided in the discharge of his duty as Clerk of the Peace.
Jasias Taylor,	Post Master at Perth,	To keep an office open for the receipt and delivery of Letters every day in the year, furnishing fire and candles, and to perform the other duties generally appertaining to such an office, for which no direct allowance is made.
Francis Legh Walsh,	Registrar, County of Norfolk,	The office of County Registrar is established by the Provincial Statute 35 Geo. 3rd, Chap. 5, in order that if any lands, after being confirmed by grant from the Crown, be transferred or alienated, that a memorial of such transfer or alienation shall be registered for the better securing and more perfect knowledge of the same—and the duties of the officer are to register the said memorials; also to make searches in and give certificates from the office, and, to administer the oath of allegiance in certain cases.
John Alex. Wilkinson,	Registrar Surrogate Court, London District.	This office is established by Provincial Statute 33 of Geo. 3, Chap. 8, and the duties of the Registrar of the Surrogate is to preserve, amongst the Records of the Court, Wills and Testamentary Writings committed to his charge; and the practice has been to record such wills and papers in the office together with papers to the granting of administration of the goods and chattels of persons dying intestate, and for the guardianship of minors.
John Alex. Wilkinson,	Lieut. on half-pay, 24th Regiment,	No duties.
Government Office, 20th Feb'y, 1835.	Wm. ROWAN, Civil Secretary.	23 29 24

## No. 110.

*Address to His Excellency for information relative to the Post-Office Department.*

*To His Excellency Sir John Colborne, K. C. B.,  
Lieutenant Governor of the Province of Upper  
Canada, Major General commanding His Ma-  
jesty's forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY :

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency would be pleased to obtain from the Deputy-Postmaster-General at Quebec, and that there be laid before this House, for its information, at as early a period in the present Session as the nature of the enquiry will admit of,

A return of the establishment of the General-Post-Office in Upper and Lower Canada, and in each of the other Colonies in North America for the years 1832, 1833, and 1834, stating the number of Postmasters and Deputy-Postmasters in each Province, the amount of salary, allowances and emoluments; and the name of each Postmaster and Deputy-Postmaster in Upper Canada; shewing the salary, allowances, fees and the whole income they severally receive, and from what sources it is derived, and the authority under which the same is paid them; stating also the gross amount of Revenue collected at each Post-office in Upper Canada, and the whole expense of collecting the same; with the contingent expenses incurred in the Canadas in detail, so far as it can be shewn; particularly the expense of conveying the Mails, with the name of each Mail-Contractor, the amount received by him, and the rates at which the Mails are conveyed.

A return of the gross amount of postage in Upper and Lower Canada, and each of the other Colonies in North America, distinguishing each, during each of the years 1832, 1833, and 1834; distinguishing also the amount of newspaper and pamphlet postage charged from the amount of letter postage received at each office, and shewing in what manner the proceeds have been applied.

A statement of the gross amount of newspaper postage paid by each printer or proprietor of newspapers in the Canadas and other Colonies in North America, in each of the years 1832, 1833, and 1834, shewing in what manner the proceeds have been appropriated, with copy of any orders,

despatches, or other authority under which such postages have been exacted in the Colonies during the last ten years.

A statement, shewing in detail, the emoluments of the Deputy Postmaster-General of British North America, whether from salary, fees, allowances, newspaper postages, pamphlet postages, per centages on the collection of United States letter or newspaper postage, or from any other source whatever, during the years 1832, 1833, and 1834, and shewing the authority under which he receives the several items of income.

A statement shewing the postage paid by the Patriot newspaper, first published at Kingston, and now in Toronto, from the commencement of the series, with the dates of the several payments.

A statement shewing the sums remitted by the General-Post-office Department in Canada and the other British Colonies to the General-Post-office, London, and also the United States postage, remitted to the Post-office Department of the United States, in and for the years 1827, 1828, 1829, 1830, 1831, 1832, 1833, and 1834, and stating the balance now in the hands of the Deputy-Postmaster-General at Quebec, and the period up to which the last remittance to London was made.

A statement of the amount of monies found in the dead or misdirected letters in the British Colonies in North America, from 1827 to 1834, both years inclusive, and shewing the purposes to which it has been applied.

A statement of the amount of Colonial postage, whether on letters or newspapers, charged at Quebec and Halifax, to the Department in London, and collected, or intended so to be, in England or other parts of the King's dominions beyond North America for 1832, 1833, and 1834.

A return, shewing the several classes of persons who frank letters, or who have the privilege of transmitting letters thro' the Post-office at reduced rates of postage, with the extent to which their privileges extend.

Had it been practicable to make out a separate and distinct statement of the revenue raised by taxation in the Post-office Department in this Colony, with the expediture, we would have confined our enquiries to Upper Canada, but as the amounts of the several Colonies are blended together, we have requested such information as would shew the effects of the system now in operation, and which it has been recommended to us to alter and amend.

M. S. BIDWELL, SPEAKER.

Commons' House of Assembly, }  
21st day of Feb'y, 1835. }

## ANSWER TO THE ABOVE ADDRESS.

GENTLEMEN,

I will direct a copy of of this Address to be transmitted to the Deputy Postmaster General at Quebec, in order that he may furnish the information required by the Assembly.

(Copy)

GENERAL-POST-OFFICE,

QUEBEC, 6th March, 1835.

SIR,

I hasten to acknowledge the receipt of your letter of the 26th February, enclosing copy of an address from the House of Assembly of Upper Canada respecting the Post-office Department under my charge, and requesting me, by command of His Excellency the Lieutenant-Governor, to furnish, for the information of the Assembly, the Returns required by them as soon as possible.

I beg leave in answer to your communication to inform you, for the information of His Excellency, that I shall immediately set about collecting and compiling the great amount of information required, or as much of it as the means at my disposal will enable me to obtain; but as an act of justice to myself and to prevent disappointment, should the voluminous Returns called for not be ready so soon as might have been expected, I must observe, that the task prepared for me is a heavier one than can be imagined by any one not conversant with the subject and will, with my very limited assistance and the necessity of keeping the current duties of the Department going, necessarily occupy a considerable length of time.

I have the honor to be, &amp;c.

T. A. STAYNER,  
D. P. M. Gen'l.

Lieut. Col. Rowan, }  
City of Toronto, }  
Upper Canada. }

No. 111.

**Indian Department.**

No part of the Expenditure of the Judicial, Civil or Ecclesiastical Establishments in Upper Canada is defrayed by England:—



all these expenses are now paid from the Revenues derived from the people of the Province; and that too, on a scale of extravagance far surpassing any other part of the North American Continent, and in most cases without the consent of the people themselves and in direct opposition to their wishes and interests.

“The Blue Book” shews that a small sum is annually expended out of funds derived from England on what is called “The Indian Department,” it is so inconsiderable as scarcely to be worth notice; but small as it is, the following extract from the Sessional papers of the House of Commons for 1833, will shew that it is fast progressing towards a total abolition.

The Blue Book mentions that the following persons were paid from England last year—the sums in Halifax Currency, opposite their respective names, on the whole and it is probable that a sum under £2000 a year is remitted to keep up sinecures and pensions, under this title.

Jas. Givins, Chief Superintendent Indian Department,	£412
J. B. Clench, Superintendent	do. 241
T. G. Anderson, do.	do. 241
G. Ironside, do.	do. 241
J. Winniett, do.	do. 241
W. Jones, Assistant, do.	do. 123

EXTRACT from the *Estimates for the Indian Department in Canada, for Five Quarters to 31st March, 1833, ordered by the House of Commons to be printed.*

DOWNING STREET, 14th FEBRUARY, 1832.

SIR,

I am directed by Viscount Goderich to transmit to you for the consideration of the Lords Commissioners of the Treasury, the inclosed estimate of the charge of defraying the expense of the Indian department in Upper and Lower Canada, for the year 1832, amounting to £20,000.

This Estimate is now for the first time submitted to their Lordships in its present form. They are, however, doubtless aware that the expense for which it is meant to provide has for many years been defrayed by this country, the charge for the presents having been voted in conjunction with that for liberated Africans, convicts, &c. while the salaries and pensions of the officers of the Indian Department have been paid from the Military Chest provided for out of the Army Extraordinaries.

This practice is so extremely irregular, that Lord Goderich is decidedly of opinion that it ought no longer to be continued; and he has therefore directed the sum required to meet the whole expense of this service to be included in the accompanying estimate.

His Lordship greatly regrets the necessity of proposing that Parliament should be asked for so large a grant. He has, however, to observe, that the presents which for a long series of years have been annually distributed to the Indians, are due to them partly on the faith of Treaties for the purchase of their Lands, and for services rendered by their Tribes in former Wars: the remainder by custom so long established that all the general officers who have served

in Canada concur in opinion that any sudden alteration of the system would excite great dissatisfaction amongst them, and be productive of considerable inconvenience to the Local Governments.

Under these circumstances it would be alike impolitic and unjust suddenly to discontinue the issue of the customary presents, but Lord Goderich trusts that their amount may gradually be diminished in proportion as the Indians can be induced to settle and to adopt the habits of civilized life. By the accounts, which have been at various periods transmitted to the Lords Commissioners, it appears that very great reductions have already been made in the expense of this department; the amount of the presents having been reduced since 1816 from £117,500 sterling, to about £16,000, and the charge of the establishment and pensions from £16,200 to £4,400.

Even this sum for the establishment may appear considerable, but the duties of the officers of the department in time of peace, according to the statements of Sir James Kempt, are various and important; much discretion is required for their faithful and satisfactory discharge, and from the remote, and in some measure uncontrolled situations in which these officers are sometimes placed, it becomes necessary to rely almost implicitly upon their integrity and judgment.

For these reasons it is essential that the salaries should be sufficient to induce persons of character and responsibility to fill the appointments; indeed such alone can obtain the confidence of the Indians.

The strength of the establishment has also been recently diminished, and the present scale was fixed after much consideration by Sir George Murray.

Lord Goderich is therefore of opinion that it is impossible at present to make any further reduction either in the number of the individuals employed or in the amount of their salaries, without impairing the efficiency of the department in a manner which must necessarily be productive of very serious inconvenience.

The presents to be distributed are purchased under the directions of the Board of Ordnance, according to the requisitions furnished by the local authorities, and which they have received the strictest injunctions to keep within the narrowest limits.

The presents being as I have already stated, partly given to the Indians in exchange for the lands of which they have resigned possession, a portion of the expense ought to fall upon the Revenue derived from the sale of those lands, and Lord Goderich trusts that an arrangement for that purpose may, before next year, be effected; but as the largest part of this charge has been incurred under Treaties entered into with a view of securing the services of the Indians in wars for British and not for Colonial interests, his Lordship is of opinion that the burden cannot be thrown (as at first sight would appear reasonable) upon the inhabitants of Canada.

I am Sir,  
Your most obedient humble servant,

HOWICK.

To the Hon. J. H. Stewart.

### Indian Department, Upper and Lower Canada.

ESTIMATE of the Charge of defraying the expense of the Establishment of the Indian Department in Upper and Lower Canada, from the 1st day of January, 1832, to the 31st day of March, 1833.

£25,000,

*Clear of Fees and all other deductions.*

	PAY AND LODGING MONEY.
STERLING.	
<b>LOWER CANADA.</b>	£ s. d.
Secretary,.....Quebec,.....	239 0 0
Superintendent,.. Ditto,.....	239 0 0
Interpreter,..... Ditto,.....	107 3 4
Ditto,..... Ditto,.....	102 3 4
Missionary,..... Ditto,.....	75 0 0
Ditto,..... Ditto,.....	50 0 0
Schoolmaster,.. Ditto,.....	20 0 0
Superintendent..Montreal,.....	231 0 0
Interpreter,..... Ditto,.....	102 3 4
Ditto,..... Ditto,.....	102 3 4
Resident,..... Ditto,.....	131 0 0
Interpreter,..... Ditto,.....	102 3 4
Missionary,..... Ditto,.....	50 0 0
Ditto,..... Ditto,.....	50 0 0
Ditto,..... Ditto,.....	45 0 0
	1,645 16 3
<b>UPPER CANADA.</b>	
Chief Superintendent,.....	400 0 0
Superintendent at the Bay of Quinte and Rice Lakes,.....	221 0 0
Superintendent at the River Thames, Chenail, Ecarté & River St. Clair,.....	231 0 0
Assistaut Ditto,.. Ditto,.....	137 0 0
Interpreter,..... Ditto,.....	102 3 4
Superintendent at Machedasch and Lake Simcoe,.....	231 0 0
Interpreter,..... Ditto,.....	102 3 4
Superintendent at the Grand River,..	231 0 0
Interpreter,..... Ditto,.....	102 3 4
	1,757 10 0

## Pensions.

LOWER CANADA.		£	s.	d.
Madame de Montigny, Widow of Capt. de Montigny.....	30	0	0	
Madame de Malliony, Widow of Capt. Malliony,.....	30	0	0	
Madame la Mothe, Widow of Capt. la Mothe,.....	50	0	0	
Mary Vincent, Widow of L. Vincent, Schoolmaster,.....	10	0	0	
Abigail Hare, Pensioner for past services,.....	20	0	0	
Duncan Murchison,....do....do....	21	13	4	
Amable Chevalier,....do....do....	21	13	4	
5 Chiefs of Indian Tribes, for wounds received in action,.....	108	6	8	
4 Warriors of ditto, for do. do.....	60	13	4	
				352 6 8
UPPER CANADA.				
Alex. McDonell, Retired Assistant Secretary,.....	91	5	0	
David Price, Retired Store-keeper, Clerk and Interpreter,.....	85	3	4	
Sarah Elliott, Widow of Colonel M. Elliott,.....	80	0	0	
Theresa McKie, Widow of Major McKie,.....	70	0	0	
Catherine Brant, Widow of Captain Brant,.....	91	5	0	
Hester Hill, Widow of D. Hill (a Mohawk Chief),.....	20	0	0	
Barnabas Cain, Superannuated Blacksmith.....	42	11	8	
Timothy Murphy,....Ditto,.....	42	11	8	
John Higgins,....Ditto,.....	42	11	8	
7 Warriors of Indian Tribes, for wounds in action,.....	106	3	4	
				671 11 8
Expense of Indian Presents, Stores, &c.....				15,572 15 0
				<hr/>
For one year,.....				20,000 0 0
Add for first quarter of 1832,....				5,000 0 0
				<hr/>
				25,000 0 0

## No. 112.

COPY.

U. C. COLLEGE, }  
 March 13th, 1835. }

SIR,

In obedience to His Excellency's request I beg to transmit to you such statements as I am able to furnish respecting Upper Canada College, in reply to the requisitions of an Address from the House of Assembly to His Excellency, a copy of which I received on the 10th instant. As regards the expenditure connected with the institution and its financial concerns generally, I have not the means of giving any information, they being conducted by the Bursar, the Honorable Colonel Wells.

I have the honour to be, &amp;c.

JOSEPH H. HARRIS.

Lieut. Col. ROWAN, }  
 &c. &c. &c. }

## ANSWERS

*To such Enquiries contained in an Address of the House of Assembly to His Excellency the Lieutenant Governor respecting Upper Canada College as the Principal's knowledge enables him to return:—*

To QUES. 4.—“Rates of Tuition.”

A quarterage of £2, currency, for tuition, and five shillings for contingencies (that is, pens, ink, fuel, &c.) is paid by each scholar in the College forms.

A quarterage of £1 5s. currency, for tuition, and five shillings for contingencies is paid by each scholar, in that department of the College which is called the Preparatory School.

The terms at the College Boarding House, are £30, currency, per annum, for Board and Tuition.

The requisite Books and materials are furnished by the College and charged to the pupils, in addition to the above terms. A sufficient stock of Books, &c. is ordered every year from England, from which the College is enabled, after covering the expenses of shipment, &c. to supply the boys at a cheaper rate, than the same articles could be purchased in the city.

To QUES. 7.—No. of Scholars, &c.

The number of scholars whose names have been entered at U. C. College since its commencement, up to the present time, is 324—but as the names of some scholars who have been withdrawn for a time, and afterwards sent back to the College, appear more than once on the list, the number of individual boys who have received Education at the College may be stated at 320.

QUES. 7, continued.

Scholars in U. College in the several quarters, ending at the annexed dates.

[NOTE.—The address of the House of Assembly desires a statement of the numbers on the 5th of January, April, June and October; but as the College quarters end as below, and the lists are then formally entered, the following is the most accurate return that can be rendered—and I trust it will be found to approach sufficiently near to the prescribed dates, to answer the purpose intended.]

	SCHOLARS IN					
	1830	1831	1832	1833	1834	1835.
March 29th.....	89	124	101	114	114	124 at this date.
June 10th.....	106	124	106	117	113	
Middle of August (summer vacation).....	105	126	99	121	116	
Christmas.....	119	109	107	116	115	

NOTE.—A similar return to this, up to December, 1832, with other information respecting U. C. College, was furnished to a Committee of the House of Assembly in December, 1832, to which I beg leave to refer. Observing in explanation that the slight discrepancies between the numbers here given, and those in the document just referred to, for the year, 1832, is to be accounted for, by the fact, that at that time no formal record was kept of the number of pupils at the College, in each separate quarter, and that it was therefore difficult so to exhibit them. But since that time a quarterly list has been regularly preserved, from which the numbers after 1831 are now extracted.

QRES. 7, continued—

TABLE showing "the number of scholars sent from the country" to U. C. College (i. e. of the Boarders) "and of those belonging to this City, (i. e. Day Boys) for the last three years."

	DAY BOYS.	BOARDERS.	TOTAL.
1832.			
March 29th.....	70	31	101
June 10th.....	74	32	106
August.....	75	25	99
Christmas.....	68	39	107
1833.			
March.....	75	39	114
June.....	76	41	117
August.....	79	42	121
Christmas.....	71	45	116

1834.			
March .....	76	38	114
June .....	76	37	113
August .....	79	37	116
Christmas.....	83	32	115
1835.			
March 12.....	88	36	124

## Answer to QUES. 8.

The course of Education at the College, and books used are given separately. To the detached questions the following are answers.

## VACATIONS.

*At Christmas.*—From the Saturday preceding Christmas day to the Monday fortnight following.

*At Whitsuntide.*—A week.

*In the Summer.*—From the Friday on or before the 13th of August, to the Thursday six weeks following.

There are no children taught at Upper Canada College, without being liable to the payment of fees.

No part of the Scholars are required to conform to, or be instructed in, the peculiar creeds, or religious exercises, of any Christian denomination.

JOSEPH H. HARRIS.

*Principal of U. C. College.*

*Course of Education at present pursued at Upper Canada College.*

## PREPARATORY SCHOOL.

Scholars in the Preparatory School are instructed in English Reading and Spelling, Writing, the elements of Arithmetic, and the first rudiments of Latin Grammar.—They are removed into the first, or lowest of College form, when they are familiar with the Latin Accidence. The following is the general arrangement of the daily work of the Preparatory School :

1st division,\*.....Latin Accidence,

\* The day is divided in the business of the College as follows :—

1st division—From a quarter before 9 to a quarter past 10.

2nd do. From 25 minutes past 10 to 10 minutes before 12.

3rd do. From 12 to 1.

4th do. From 2 to 4.

Besides the above, a class composed of such boys in the College a

2d	do.....	English Reading and Spelling,
3rd	do... ..	Reading (twice a week),
4th	do .....	Writing and Arithmetic.

---

## FIRST COLLEGE FORM.

### *Monday.*

Division

1. Writing,
2. Reading, and Recitation from Testament,
- 3.
4. Recapitulation of Classical Lessons,

### *Tuesday.*

1. Latin Syntax, Construe Corderius,
2. Parse Corderius—Read English,
- 3.
4. Arithmetic.

### *Wednesday.*

1. Latin Exercise,
2. Writing,

### *Thursday.*

1. Latin Grammar—Construe Corderius,
2. Read, and Parse English,
3. Arithmetical Tables,
4. Arithmetic.

### *Friday.*

1. Writing,
2. Latin Grammar,
- 3.
4. (2 to 3)—Parse Corderius,
5. (3 to 4)—Scripture Reading and Recitation.

### *Saturday.*

1. Arithmetic,
2. Latin Grammar—English Spelling.

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### *Books used in the first form.*

English—Bible—Murray's introduction.

Latin—Lily's [or Westminster] Grammar—Corderius Colloquies—Howard's Introductory exercises.

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are qualified, attend the Writing Master three times a week, for Book Keeping—from 4 to 5 o'clock.

On Wednesday and Saturday, which are half holidays, the College closes at 12 o'clock—and at present those boys whose parents desire it, have the opportunity of instruction in Landscape Drawing &c. from 12 to 2 on those days, at a charge of £1 per quarter.



## SECOND COLLEGE FORM.

*Monday.*

Division,

1. Reading and Recitation from Testament,
2. Writing,
3. Arithmetical Tables,
4. French.

*Tuesday.*

1. Latin Grammar—Latin Exercises,
2. Arithmetic,
- 3.
4. Recapitulation of Classical Lessons.

*Wednesday.*

1. Arithmetic,
2. Latin Grammar—Lectiones selectæ (Construing and Parsing.)

*Thursday.*

1. English Reading and Dictation,
2. Latin Grammar—Latin Exercises.
3. Writing,
4. French.

*Friday.*

1. Latin Grammar—Construe Lectiones Selectæ,
2. Geography,
3. French,
4. (2 to 3)—Writing,
5. (3 to 4)—Scripture Reading and Recitation.

*Saturday.*

1. Latin Grammar—Parse Lectiones Selectæ.
2. Arithmetic.

*Books used in the second Form.*

ENGLISH—Bible—Blair's Class Book—Turner's Geography.  
 LATIN—Grammar—Exempla Minora—Lectiones Selectæ,  
 FRENCH—Grammar—Exercises.

## THIRD COLLEGE FORM.

*Monday.*

Division

1. Testament, Reading and Recitation,
2. Drawing,
3. Writing,
4. Arithmetic.      A3

*Tuesday.*

1. Arithmetic,
3. Latin Prosody—Cornelius Nepos, or Phædrus,
3. Arithmetical Tables,
4. French.

*Wednesday.*

1. Latin Exercises,
2. Geography.

*Thursday.*

1. English History,
2. Arithmetic,
3. French,
4. Recapitulation of Classical Lessons.

*Friday.*

1. Latin Grammar—Nepos or Phædrus,
2. Writing,
- 3.
4. (2 to 3)—Elements of Greek,
5. (3 to 4)—Scripture Reading and Recitation,

*Saturday.*

1. French,
2. Latin Prosody—English.

*Books used in the third Form.*

ENGLISH—Bible—History of England—Turner's Geography,  
 LATIN—Grammar—Exercises—(Exemple Minora)—Cornelius  
 Nepos or Phædrus,  
 GREEK—Howard's Introductory Exercises,  
 FRENCH—Levizac's Grammar—Dialogues—Telemachus.

## FOURTH COLLEGE FORM.

*Monday.*

## Division.

1. Testament Reading, and Recitation.
2. Mathematics.
3. Arithmetical Tables.
4. Recapitulation of Classical Lessons.

*Tuesday.*

1. French.
2. Drawing.
3. Writing.
4. Latin Exercises—Ovid's Metamorphoses, or Cæsar.

*Wednesday.*

1. French.
2. Greek Grammar—Greek Delectus.

*Thursday.*

1. Arithmetic.
2. Writing.
3. \_\_\_\_\_.
4. Greek Exercises—English History.

*Friday.*

1. Latin Grammar—Ovid, or Cæsar.
2. Mathematics.
3. Arithmetic.
4. French.
5. (3 to 4) Scripture Reading and Recitation.

*Saturday.*

1. Greek Grammar—Greek Exercises.
2. Mathematics.

*Books used in the Fourth Form.*

ENGLISH—Bible; History of England.

LATIN—Grammar; Ovid's Metamorphoses; Cæsar; Exercises.

GREEK—Bloomfield's Abridgment of Matthiæ's Grammar;—  
Howard's Introductory Exercises; Valpy's Delectus.

FRENCH—Levizac's, and Le Tellier's Grammars; Dialogues;  
Telemachus.

## FIFTH COLLEGE FORM.

*Monday.*

Division.

1. Arithmetic.
2. Greek Testament—Recitation from English Testament.
3. French.
4. Ovid's Epistles, or Sallust; History of Rome.

*Tuesday.*

1. Mathematics.
2. Repetition from Ovid; Greek Delectus, or Anelieta Minora.
3. Writing.
4. Recapitulation of Classical Lessons.

*Wednesday.*

1. Greek Grammar—Greek Exercises
2. Drawing.

*Thursday.*

1. French.
2. Mathematics.
3. Arithmetic.
4. Greek Grammar; Greek Delectus, or Anale. Mino.

*Friday.*

1. Mathematics.
2. Latin Grammar—Latin Exercise.
3. Writing.
4. (2 to 3) Ovid, or Sallust.
5. (3 to 4) Scripture Reading, and Recitation.

*Saturday.*

1. Mathematics.
2. Greek Grammar—History.

*Books used in the Fifth Form.*

ENGLISH—Bible; Goldsmith's Rome.

LATIN—Grammar; Ellis's Exercises; Electa ex Ovidio and Tibullo, Sallust.

GREEK—Grammar; Valpy's Delectus: Analecta Græca Minora; Testament; Valpy's Exercises.

FRENCH—Le Tellier's Grammar; Henriade, &c.

## SIXTH COLLEGE FORM.

*Monday.*

Division

1. Mathematics,
2. Greek Testament, and Recitation from English Testament,
- 3.
4. Repetition from Virgil—Virgil or Cicero Constructed.

*Tuesday.*

1. Greek Grammar—Homer, or Analecta Minora,
2. Mathematics,
3. French,
4. Greek Exercises—Elements of General History.

*Wednesday.*

1. Mathematics,
2. Latin Grammar—Latin Exercises.

*Thursday.*

1. Mathematics,

2. Greek Grammar—Homer, or *Analecta Minora*, alternately with elements of History.
3. Arithmetic,
4. Recapitulation of Classical Lessons.

*Friday.*

1. French,
2. Re-translation of Cicero,
3. Writing,
4. (2 to 3)—Mathematics,
3. (3 to 4)—Scripture Reading and Recitation.

*Saturday.*

1. Greek Grammar—Virgil or Cicero, alternately with Elements of History,
2. Drawing.

*Books used in the sixth Form.*

ENGLISH—Bible—Goldsmith's *Græce*—General History,  
 LATIN—Grammar—Virgil—Cicero's orations—Ellis's Exercises  
 —Steps to sense verses.  
 GREEK—Grammar—Homer—*Analecta Minora*—Testament—  
 Valpy's Greek Exercises.  
 FRENCH—Le Tellier's Grammar—*Henriade*—Boileau.

## SEVENTH COLLEGE FORM.

*Monday.*

Division.

1. Greek Testament and Recitation from English Testament.
2. Latin Prose Author—Classical Antiquities, or Geography.
- 3.
4. Mathematics.

*Tuesday.*

1. Elements of Natural Philosophy.
2. Greek Poet.
3. French.
4. Mathematics.

*Wednesday.*

1. Greek Grammar—Greek or Latin Re-translation, alternately.
2. Mathematics.

*Thursday:*

1. Greek Grammar—Horace.
2. Arithmetic.
- 3.
4. Mathematics.

*Friday.*

1. Repetition from Greek Poet—Greek Exercises.
2. Drawing.
- 3.
4. (2 to 3)—Greek Prose Author.
5. (3 to 4)—Scripture Reading and Recitation.

*Saturday.*

1. Repetitions from Latin Poet—Latin Exercises.
2. French.

## BOOKS USED IN THE SEVENTH FORM.

ENGLISH.	Bible—Conversations on Natural Philosophy.
LATIN.	Grammar—Valpy's <i>Elegantæ Latinæ</i> —Cicero de Officiis—Horace—Scriptores Romani—Roman Antiquities.
GREEK.	Grammar—Valpy's Exercises—Testament—Collocutanea Majora, vols. 1 and 2—Greek Antiquities.
FRENCH.	Le Tellier's Grammar—Boileau, &c.

Each of the six lower forms, it will be seen by the above detail, has a recapitulation day in classics, each week, i. e. a day on which certain of the Lessons which have been done during the previous days of the week, are gone over a second time. It is so arranged that on every alternate recapitulation day, each form recapitulates to the principal, who is thus enabled from time to time, to judge of the general progress, and also has an opportunity of becoming acquainted with the abilities and character of every boy in the College.

A public examination embracing all the departments takes place annually in the week preceding the Christmas Holidays—at the conclusion of which prizes of books are distributed to those scholars, whose proficiency and good conduct during the past year, have been most distinguished.

The *regular course* at the College is completed in the seven forms, according to the detail now given. But to meet the views of those parents who are not desirous of giving their sons a thorough classical education, pupils who have been *not less than two years* pursuing the College course, or who have completed the course of the third form, are allowed, at the especial request of their friends, to discontinue classical studies, and confine their attention to the other departments—a similar exception is occasionally made, in the case of a boy being, at admission of *too advanced an*

age to make it advisable that he should then *begin* the study of Latin—such boys form what is called the partial class—whose occupation is as follows:—

## PARTIAL CLASS.

### MONDAY.

#### DIVISION.

1. Scripture Reading and Recitation.
2. Arithmetic.
3. Writing.
4. Mathematics.

### TUESDAY.

1. Mathematics.
2. French.
3. Writing.
4. English Grammar, Composition and History.

### WEDNESDAY.

1. Arithmetic.
2. Geography or Drawing.

### THURSDAY.

1. Drawing.
2. French.
3. Arithmetical Tables.
4. English (as Tuesday.)

### FRIDAY.

1. Mathematics.
2. Drawing or Geography.
- 3.
4. Writing.
5. Scripture Reading and Recitation.

### SATURDAY.

1. Mathematics.
2. Arithmetic.

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The preceding sheets contain such information in reply to enquiries contained in an Address of the House of Assembly to His Excellency, the Lieutenant Governor, relating to Upper Canada College, as I have the means of furnishing—and which I beg leave respectfully to submit.

JOS. H HARRIS, D. D.  
Principal of U. C. College.

UPPER CANADA COLLEGE, }  
March 12th, 1835. }

## No. 113.

*To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY :

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to furnish this House with copies of all correspondence between His Majesty's Government in England and the Government of this Colony relating to the several expulsions from this House of William Lyon Mackenzie, Esquire; as also relative to the summary removal from the office of Attorney General, Henry John Boulton Esquire, (now Chief Justice of Newfoundland) and of Christopher Alexander Hagerman, Esquire, from the office of Solicitor General, together with all correspondence between the King's Government and Your Excellency respecting the reappointment of the said C. A. Hagerman to the office of Solicitor General, and the appointment of Robert S. Jameson to the office of Attorney General, in the room of the said H. J. Boulton.

MARSHALL S. BIDWELL,  
*Speaker.*

Commons House of Assembly, }  
19th day of June, 1835. }

*Answer.*

GENTLEMEN :

Copies of the Despatches applied for in this address cannot be laid before the House of Assembly without the sanction of His Majesty's Government.

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No. 114.

**Case of Francis Collins.**

THURSDAY, 22d January, 1829.

Mr. Dalton seconded by Mr. James Wilson, moves that the address to His Excellency respecting the case of Francis Collins, be now read a second time.

Which was carried, and the address was read a second time.



On the question for concurrence being put, Mr. James Wilson, seconded by Mr. Dalton, moves that the House do resolve itself into a Committee of the whole on the address in behalf of Francis Collins.

Which was carried, and Mr. Peterson was called to the chair.

The Speaker resumed the Chair.

Mr. Peterson reported that the Committee had considered the address and amended it.

On the question for receiving the report the House divided, and the yeas and nays were taken as follows :

YEAS—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Ewing, Fothergill, Fraser, Hopkins, Horner, Ketchum, Kilborn, Lafferty, Lockwood, Longley, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Morris, Perry, Peterson, Radenhurst, Randal John Rolph, George Rolph, Shaver, Smith, Thomson, Wilkinson, John Willson, James Wilson, and Woodruff—87.

NAYS—Messrs. Bethune, McLean, and Samson—3.

The question was carried in the affirmative by a majority of thirty-four, and the report was received and the address ordered to be engrossed and read a third time to-day.

Agreeably to the order of the day the Address to His Excellency the Lieutenant Governor, in behalf of Francis Collins, was read the third time, passed and signed, and is as follows :

*To His Excellency Sir John Colborne, Knight  
Commander of the Most Honorable Military  
Order of the Bath, Lieutenant Governor of  
the Province of Upper Canada, Major General  
commanding His Majesty's Forces there-  
in, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY :

We, His Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament assembled, humbly represent to Your Excellency that we have received a petition from Francis Collins, a prisoner in the York Gaol, under sentence of the late Court of Oyer and Terminer and General Gaol Delivery in and for the Home District, for libel, by which sentence he is doomed to twelve months imprisonment and to pay a fine of fifty pounds to the King, and afterwards to give security for his good behaviour for three years, himself in £200 and two sureties in £100 each, and to

stand committed till those conditions be complied with; and having taken the same into our consideration, together with the time he has already been confined, we earnestly entreat Your Excellency to extend to Francis Collins the Royal clemency, by remitting his sentence and restoring him to his family.

MARSHALL S. BIDWELL,  
*Speaker.*

Commons House of Assembly, }  
22d January, 1829. }

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*Saturday, 21th January, 1829.*

Captain Matthews, from the Committee to wait upon His Excellency the Lieutenant Governor with the Address of the House on the subject of the enlargement of Francis Collins, reported delivering the same, and that His Excellency had been pleased to give an answer, which he handed to the Clerk who read the same as follows:

GENTLEMEN,

It is my anxious wish to render service to the Province, by concurring with the Legislature in every thing that can promote its peace, prosperity, and happiness; and I regret exceedingly, that the House of Assembly should have made an application to me, which the obligation I am under to support the laws, and my duty to society, forbid me, I think, to comply with.

I transmit, for the information of the House, Mr. Justice Sherwood's observations, and copies of a Petition from Francis Collins, and of the reply to it forwarded by my direction.

COPY.

*York, 5th December, 1828.*

SIR,

The following are the principal grounds of my judgment in the case of the King *vs.* Francis Collins, lately convicted of a libel on the Attorney General.—I think all publications of this kind have the effect to create ill blood in society, and therefore manifestly tend to a breach of the public peace, which is always regarded of the greatest importance by all civilized governments. Such publications also have a direct and undoubted tendency to impede the due administration of public justice, by generating a bad feeling and injurious prejudice in the public mind, and more particularly

in the minds of the Jurors who are summoned for the trial of causes. This libel, in my opinion, was intended to obstruct the administration of justice, because it was printed and published during the sitting of the Court, and just before the defendant was tried for printing and publishing an alleged libel on Sir Peregrine Maitland, then the Lieutenant Governor of the Province. Any person who writes and publishes fair and candid opinions on the system of government and constitution of the country, or points out what he honestly conceives to be grievances, and in a proper and decent manner proposes legal means for the redress of such grievances, or if any person, in his publication, enters into a just and useful criticism of the productions of others, and shews the public their errors or absurdities; or if any one, in a decent and proper manner, exposes the errors and wrong opinions of public men; or if he exhibits the evil tendency and unconstitutional bearing of public measures, such person in my opinion deserve encouragement. If such publisher however, steps aside from the high road of decency and peaceable deportment, and adopts a course of public calumny and open abuse against the officers of government generally, or particularly against the principal law officer of the Crown, in the legal execution of his duty in the King's Courts, as the defendant did, then, I think, he should be punished to that extent, which, in human probability would prevent a recurrence of the offence; any thing short of this, would be nugatory, and have an effect contrary to the ends proposed by all punishments.

Taking all the circumstances of the case into consideration, Mr. Justice Hagerman and myself deemed the sentence which we passed on the defendant, both proper and necessary for the public good, and what the case itself required.

I have the honor to be,

LEVIUS P. SHERWOOD.

Z. MUDGE, Esq.  
Secretary to His Excellency  
the Lieutenant Governor.

COPY,

*To His Excellency Sir JOHN COLBORNE, Knight  
Commander of the most Honorable Military  
Order of the Bath, Lieutenant Governor of the  
Province of Upper Canada, and Major General*

*Commanding His Majesty's Forces therein,  
 &c. &c. &c.*

THE MEMORIAL OF FRANCIS COLLINS.

*Editor of the Canadian Freeman,*

HUMBLY SHEWETH:

That Your Memorialist was convicted of libel upon the Attorney General, at the last York Assizes, sentenced to twelve months imprisonment, to pay a fine of fifty pounds and to find security for good behaviour for three years, himself in £100, and two sureties in £100 each; which, sentence if enforced, amounts in fact, to perpetual imprisonment.

In consequence of this ruinous sentence, your memorialist has been kept in close confinement in this gaol, for the last month, and the business by which he supports his family all but ruined, as the entire success of his establishment depended solely on his own personal exertions.

Under these painful circumstances, Your Memorialist looks forward with humble confidence to Your Excellency's clemency, to restore him to his liberty, by a remission of the sentence, and thereby save a young and helpless family from desolation.

And Your Memorialist will ever pray.

(Signed) FRANCIS COLLINS.

*York Gaol, Nov. 23th, 1823.*

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*Government House, }  
 Dec. 18th, 1823. }*

Sir,

I am directed to acquaint you that the Lieutenant Governor regrets that he cannot think it right to comply with your petition, dated the 29th ultimo, but that on the expiration of the specified time of your imprisonment, any application you may wish to make will be taken into consideration, upon the facts alleged in your statement.

I am, &c.

(Signed) Z. MUDGE.

Mr. FRANCIS COLLINS.

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MONDAY, 26th January, 1829.

Agreeably to the order of the day the House went into Com-

mittee of the whole on His Excellency's Answer to the Address to him, on behalf of Francis Collins.

Mr. Ewing was called to the Chair.

The House resumed.

Mr. Ewing reported that the Committee had agreed to two Resolutions, which he was directed to submit for the adoption of the House.

The Report was ordered to be received.

*Resolved*, That this House does not doubt the sincerity of the anxious wish avowed by His Excellency in his message, to render service to the Province by concurring with the Legislature in every thing that can promote its peace, prosperity and happiness; but, the imputation which this House apprehends to be conveyed by His Excellency's Message, that they are not equally anxious and industrious for the same great ends, is neither justified by their conduct since his Excellency assumed the government, nor is it what they had reason to expect, and in future hope to receive, in all communications from His Excellency to this branch of the Legislature.

*Resolved*, That while this House does not doubt the disposition of His Excellency, properly to extend mercy to those who supplicate it from the Throne, they owe it to their own honor and dignity to declare, that by their application for the extension of the Royal clemency towards Francis Collins, they have not merited the imputation which they apprehend to be conveyed in His Excellency's Message, that their request was inconsistent with the due support of the laws and their duty to society.

MARCH 10th, 1829.

Mr. Dalton, from the Select Committee to whom was referred the petition of Francis Collins, presented a fifth report, accompanied by several Resolutions and an Address to His Majesty in behalf of Francis Collins, which was received and read.

WEDNESDAY, 11th March, 1829.

Mr. Perry, seconded by Mr. Dalton, moves, that the House do now resolve itself into a Committee of the whole, on the Report of the Select Committee to whom was referred the petition of Francis Collins—

Which was carried, and Mr. Berezy was called to the Chair.

The House resumed.

Mr. Berezy reported, that the Committee had agreed to a series of Resolutions, which he was directed to submit for the adoption of the House, and asked leave to sit again to-morrow,

On the question for receiving the Report, the House divided, and the Yeas and Nays were taken as follows :

YEAS—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Hamilton, Hopkins, Hornor, Ketchum, Kilborn, Leflerty, Lockwood, Lyons, McCall, McDonald, McKenzie, Malcolm, Matthews, Perry, Peterson, Radclurust, George Rolph, John Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff—25.

NAYS—Messrs. Berczy, Bethune, Henderson, Longley, McLean, Morris, Samson, and John Willson—3.

The question was carried by a Majority of twenty-seven, the Report was received, and leave granted accordingly.

The first Resolution was then put as follows :

*Resolved*, That while prosecutions have been instituted and encouraged against Francis Collins, H. C. Thomson, M. P. and William Lyon Mackenzie, M. P. Editors of papers opposing the injurious policy pursued by the late Provincial Administration, other papers under the patronage and pay of the Provincial Government, have been allowed to disseminate with impunity far grosser and more dangerous libels against the House of Assembly, as well as against many public and private men.

On which the House divided, and the Yeas and Nays were taken as follows :

YEAS—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Hamilton, Hopkins, Hornor, Ketchum, Kilborn, Leflerty, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, Radclurust, Geo. Rolph, John Rolph, Shaver, Smith, Terry, Thomson, Wilkinson, John Wilson, James Wilson, and Woodruff—37.

NAYS—Messrs. Berczy, Bethune, Henderson, Longley, McLean, Morris, and Samson—7.

The question was carried by a majority of thirty.

The second Resolution was then put as follows :

*Resolved*, That the document marked B, is a true copy of the Indictment upon which Francis Collins was acquitted at the late Court of Oyer and Terminer and General Gaol delivery for the Home District.

On which the House divided, and the Yeas and Nays were taken as follows :

YEAS—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Hopkins, Hornor, Ketchum, Kilborn, Leflerty, Lockwood, Lyons,

McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, Radenhurst, George Rolph, John Rolph, Shaver, Smith, Thomson, James Wilson, and Woodruff—23.

**NAYS**—Messrs. Attorney General, Berczy, Bethune, Hamilton, Henderson, Longley, McLean, Morris, Samson, Terry, Wilkinson, and John Willson—12.

The question was carried in the affirmative by a majority of twenty-one.

The third Resolution was then read as follows :

*Resolved*, That Francis Collins being under prosecution for the said alleged libel on Sir Peregrine Maitland, Mr. Attorney General Robinson, during the said Court at York, endeavored to force him to trial, in the first place by erroneously alleging the defendant had been arraigned at the previous Assizes ; in the second place, when the records of the Court were found to contradict his assertion, by denying the right to traverse altogether, the indictment having been found at the preceding Assizes, and in the third place, by contending that having omitted to traverse the indictment upon his arraignment as the proper time for so doing, he could not be permitted to avail himself of the privilege subsequently ; and that while the latter points were still depending and undetermined, the article for which he was afterwards indicted and convicted of libel, was published.

In amendment, Mr. Radenhurst, seconded by Mr. Dickson, moves, that after the word "Maitland," in the original resolution, the remainder be expunged and the following inserted—"and before the same had been determined, the article for which he was afterwards indicted and convicted of libel was published."

On which the House divided, and the Yeas and Nays were taken as follows :

**YEAS**—Messrs. Berczy, Bethune, Blacklock, Dickson, Ewing, Fothergill, Fraser, Hamilton, Henderson, Kilborn, Longley, McDonald, McLean, Morris, Radenhurst, Samson, Shaver, Smith, Terry, Wilkinson, and John Willson—21.

**NAYS**—Messrs. Baby, Baldwin, Brouse, Buell, Cawthra, Dalton, Hopkins, Hornor, Ketchum, Lafferty, Lockwood, Lyons, McCall, Mackenzie, Malcolm, Matthews, Perry, Peterson, George Rolph, John Rolph, Thomson, James Wilson, and Woodruff—23.

The question was decided in the negative by a majority of two.

In amendment to the original question, Mr. Dalton, seconded by Mr. McLean, moves, that the word "force" be expunged and the word "bring" inserted in its place, and that after

the word "erroneously" the following words be inserted—"supposing and."

On which the House divided, and the Yeas and Nays were taken as follows :

YEAS—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Ewing, Fraser, Hopkins, Hornor, Ketchum, Leflerty, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, George Rolph, John Rolph, Shaver, Smith, Terry, Thomson, James Wilson, and Woodruff—30.

NAYS—Messrs. Bercozy, Betonne, Dickson, Fothergill, Hamilton, Henderson, Kilborn, Longley, McLean, Morris, Radenharst, Samson, Wilkinson, and John Willson—14.

The question was carried in the affirmative by a majority of sixteen, and the resolution as amended was put and carried as follows :—

Resolved—That Francis Collins being under prosecution for the said alleged libel on Sir P. Maidand, Mr. Attorney General Robinson, during the said Court at York, endeavoured to bribe him to quit, in the first place by erroneously supposing and alleging the defendant had been arraigned at the previous assizes; in the second place, when the records of the Court were found to contradict this assertion, by denying the right to traverse altogether, the indictment having been found at the preceding assizes; in the third place by contending that having omitted to traverse the indictment upon his arraignment as the proper time for so doing, he could not be permitted to avail himself of the privilege subsequently; and that while the latter points were still depending, and undetermined, the article for which he was afterwards indicted and convicted of libel was published.

The fourth resolution was carried nem. con.—as follows :

Resolved—That the document marked C, is a copy of the indictment upon which the said Francis Collins was tried, convicted, and punished.

Present—Messrs. Baby, Baldwin, Bercozy, Bethune, Blacklock, Brouse, Buell, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Hamilton, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Leflerty, Longley, Lockwood, Lyons, McLean, McCall, McDonald, Mackenzie, Malcolm, Matthews, Morris, Perry, Peterson, G. Rolph, John Rolph, Radenharst, Samson, Shaver, Smith, Terry, Thomson, John Willson, Wilkinson, James Wilson, and Woodruff—42.

The fifth resolution was then put as follows :

Resolved—That a Select Committee of the Imperial House of Commons upon Canadian Affairs, urged in the most especial manner upon Her Majesty's Government, that a strict



and instant enquiry should take place into all the circumstances attending the prosecutions for libel instituted in Lower Canada, with a view to giving such instructions upon them as should be consistent with justice and policy—which recommendation was properly respected and observed in Lower Canada, and ought not to have been slighted and disregarded in this Province.

On which the House divided, and the yeas and nays were taken as follows :

Yeas—Messrs. Baby, Baldwin, Berczy, Blacklock, Brouse, Buell, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Hamilton, Hopkins, Hornor, Ketchum, Kilborn, Lafferty, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, Radenhurst, G. Rolph, J. Rolph, Shaver, Smith, Thomson, Wilkinson, John Willson, James Wilson, and Woodruff—37.

Nays—Messrs. Bethune, Henderson, Longley, McLean, Morris, Samson, and Terry—7.

The question was carried in the affirmative by a majority of thirty.

The sixth resolution was then read as follows :

Resolved—That the document marked D, according to the evidence of those who took down his words, contains a true report of material parts of the charge delivered by Mr. Justice Sherwood to the Jury, which charge was an unwarrantable deviation from the matter of record, and a forced construction of language, contrary to the ends of fair and dispassionate justice.

In amendment, Mr. Dickson seconded by Mr. Radenhurst, moves, that all the words be expunged after “Jury” in the original resolution.

On which the House divided and the yeas and nays were taken as follows :

Yeas—Messrs. Attorney General, Berczy, Bethune, Dickson, Fraser, Henderson, Morris, Radenhurst, Samson, Terry, and John Willson—11.

Nays—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Ewing, Fothergill, Hamilton, Hopkins-Hornor, Ketchum, Kilborn, Lafferty, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, G. Rolph, J. Rolph, Shaver, Smith, Thomson, Wilkinson, James Wilson, and Woodruff—52.

The question was decided in the negative by a majority of twenty one.

On the original question the House divided, and the yeas and nays were taken as follows :

Yeas—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Fothergill, Hamilton, Hopkins, Hornor, Ketchum, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, J. Rolph, G. Rolph, Shaver, Smith, Thomson, Wilkinson, James Wilson, and Woodruff—29.

Nays—Messrs. Berezy, Bethune, Ewing, Fraser, Henderson, Longley, McLean, Morris, Samsen, Terry, and John Willson—11.

The question was carried in the affirmative by a majority of eighteen, and it was

Resolved—That the document marked D, according to the evidence of those who took down his words, contains a true report of material parts of the charge delivered by Mr. Justice Sherwood to the Jury; which charge was an unwarrantable deviation from the matter of record, and a forced construction of language, contrary to the ends of fair and dispassionate justice,

The seventh resolution was then put as follows :

Resolved—That Mr. Justice Hagerman, who was one of the persons alleged on the record to be libelled, refused to receive the verdict as first tendered by the Jury, viz : “guilty of libel against the Attorney General only”—and directed them to find a general verdict of guilty—with which direction the Jury complied, whereby the defendant was made to appear on record guilty of charges of which the Jury had acquitted him; and whereby false grounds were afforded upon the record for an oppressive and unwarrantable sentence.

On which the House divided, and the yeas and nays were taken as follows :

Yeas—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Ewing, Fothergill, Hopkins, Hornor, Ketchum, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, G. Rolph, J. Rolph, Shaver, Smith, Thomson, James Wilson, and Woodruff—28.

Nays—Messrs. Berezy, Bethune, Fraser, Hamilton, Henderson, Longley, McLean, Morris, Terry, Wilkinson, and John Willson—11.

The question was carried in the affirmative by a majority of 17.

The eighth resolution was then put as follows :

Resolved—That it appears from the appended copy of the letter of Judge Sherwood to His Excellency (marked E), that

Mr. Justice Hagerman alleged on the record to be libelled, did concern himself, with Mr. Justice Sherwood, in measuring the punishment of the defendant, thereby, without necessity for it, further violating the rule, that a man shall not be a Judge in his own case.

On which the House divided, and the yeas and nays were taken as follows :

Yeas—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Ewing, Fothergill, Hopkins, Hornor, Ketchum, Lafferty, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, George Rolph, John Rolph, Shaver, Smith, Thomson, James Wilson, and Woodruff—29.

Nays—Messrs. Berczy, Bethune, Fraser, Hamilton, Henderson, Longley, McLean, Morris, Terry, Wilkinson, and John Willson—11.

The question was carried in the affirmative by a majority of eighteen,

The ninth resolution was then put as follows :

Resolved—That from the language of Judge Sherwood in his said letter : viz. “ If such publisher however steps aside  
“ from the high road of decency and peaceable deportment,  
“ and adopts a course of public calumny and open abuse  
“ against the officers of Government generally, or particular-  
“ ly against the principal law officer of the crown, in the legal  
“ execution of his duty in the King’s Courts, as the defend-  
“ ant did, then I think he should be punished to that extent,  
“ which in human probability would prevent a recurrence of  
“ the offence ; any thing short of this would be nugatory, and  
“ have an effect contrary to the ends proposed by all punish-  
“ ments,” it too plainly appears that the punishment inflicted upon the said Francis Collins was not confined to the verdict as originally tendered by the Jury,

On which the House divided, and the yeas and nays were taken as follows :

Yeas—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Ewing, Fothergill, Hamilton, Hopkins, Hornor, Kethum, Lafferty, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, Geo. Rolph, John Rolph, Shaver, Smith, Thomson, Wilkinson, James Wilson, and Woodruff—31.

Nays—Messrs. Berczy, Bethune, Fraser, Henderson, Longley, McLean, Morris, Samson, Terry, and John Willson—10.

The question was carried in the affirmative by a majority of twenty one,

The tenth resolution was then put as follows :

Resolved—That the punishment inflicted upon Francis Collins for the said libel, viz : “ that he should be imprisoned for 12 months, pay a fine of £50 to the King, find securities for his good behaviour after his liberation for three years, himself in £400 and two sureties in £100 each, and stand committed till all those conditions should be complied with” is, considering the state of the Province and circumstances of the defendant, shamefully disproportioned to his offence—subversive of the freedom of the press, under pretence of correcting its excesses, and destructive of the liberty of the subject, under pretence of punishing an offender.

On which the House divided, and the yeas and nays were taken as follows :

Yeas—Messrs. Baby, Baldwin, Berczy, Blacklock, Brouse, Buell, Cawthra, Dalton, Ewing, Fothergill, Fraser, Hamilton, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Leferty, Lockwood, Longley, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Morris, Perry, Peterson, George Rolph, John Rolph, Shaver, Smith, Terry, Thomson, Wilkinson, John Willson, James Wilson, and Woodruff—39.

Nays—Messrs. Bethune, McLean, and Samson—3.

The question was carried in the affirmative by a majority of thirty six.

The eleventh resolution was then put as follows :

Resolved—That from the state of this Province and the circumstances of the said Francis Collins, the exorbitant and oppressive bail required from him, leaves him no other alternative than perpetual imprisonment or the abandonment of the press by which he maintains himself and a wife with an infant family.

On which the House divided, and the yeas and nays were taken as follows :

Yeas—Messrs. Baby, Baldwin, Berczy, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Hamilton, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Leferty, Lockwood, Longley, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Morris, Perry, Peterson, George Rolph, John Rolph, Shaver, Smith, Terry, Thomson, Wilkinson, John Willson, James Wilson, and Woodruff—39.

Nays—Messrs. Bethune, Buell, McLean, and Samson—4.

The question was carried in the affirmative by a majority of thirty-five.

The twelfth Resolution was then put and carried *nem. con.*

Present—Messrs. Baby, Baldwin, Berczy, Bethune, Black-

lock, Brouse, Buell, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Hamilton, Henderson, Hopkins, Horner, Ketchum, Kilborn, Lafferty, Longley, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, McLean, Morris, Perry, Peterson, G. Rolph, J. Rolph, Samson, Shaver, Smith, Terry, Thomson, John Willson, Wilkinson, James Wilson & Woodruff,—And it was

*Resolved*, That the document marked F. is a true copy of the Address of this House to His Excellency, with the Yeas and Nays upon the passing thereof—praying for the pardon of Francis Collins and of the answer of His Excellency to the same.

The thirteenth Resolution was then put and carried *nem. con.*

Present—Messrs. Baby, Baldwin, Berczy, Bethune, Blacklock, Brouse, Buell, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Hamilton, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Lafferty, Lockwood, Longley, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, McLean, Morris, Perry, Peterson, George Rolph, John Rolph, Samson, Shaver, Smith, Terry, Thomson, Wilkinson, John Willson, Jas. Willson, and Woodruff.—And it was

*Resolved*, That when the said application from this House was made to His Excellency for the pardon of the said Collins, he had been about three months in gaol.

The fourteenth Resolution was then put as follows :

*Resolved*, That the doctrine laid down in the letter of Judge Sherwood, viz: that the extent of punishment should be such as will in all human probability prevent the recurrence of the offence—and that any thing short of it would be nugatory, and have an effect contrary to the ends proposed by all punishment—it is an unjust and imperfect view of such a question, dangerous in a judge entrusted with the administration of the criminal justice of this country, and calculated to render the criminal law, so administered, a scourge to the community.

On which the House divided, and the Yeas and Nays were taken as follows :

YEAS—Messrs. Baby, Baldwin, Blacklock, Brouse, Buell, Cawthra, Dalton, Dickson, Fothergill, Hopkins, Hornor, Ketchum, Kilborn, Lafferty, Lockwood, Lyond, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, G. Rolph, John Rolph, Shaver, Smith, Terry, Thomson, James Wilson, and Woodruff—31.

NAYS—Messrs. Berczy, Bethune, Hamilton, Henderson, Longley, McLean, Morris, Samson, Wilkinson, and John Willson—10.

The question was carried in the affirmative by a majority of twenty-one.

The fifteenth Resolution was then put as follows :

*Resolved*, That it is inconsistent with the liberty of the press, that a person should, before conviction, be called upon to find bail for good behaviour, upon so indefinite an offence as libel, and that the law under which such proceeding is justified in this Province, is well objected to by Lord Ashburton in the following terms—"I never heard till very lately, that Attornies General upon the caption of a man supposed a libeller, could insist on his giving securities for his good behaviour. It is a doctrine injurious to the freedom of every subject, derogatory from the old constitution, and a violent attack if not an absolute breach of the liberty of the press. It is not law, and I will not submit to it."

On which the House divided, and the Yeas and Nays were taken as follows :

YEAS—Messrs. Baby, Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Henderson, Hornor, Ketchum, Kilborn, Leflerty, Lockwood, Lyons, McCall, McDonald, Mackenzie, Malcolm, Matthews, Perry, Peterson, G. Rolph, John Rolph, Shaver, Smith, Terry, Thomson, James Wilson, John Willson, and Woodruff—32.

NAYS—Messrs. Bethune, McLean, Morris, and Samson—4.

The question was carried in the affirmative by a majority of twenty-eight.

The sixteenth Resolution was then put as follows :

*Resolved*, That an earnest appeal be made to His Majesty to relax, in this case, the rigor of that law, which was made for the happiness and welfare of the people, who pray for its relaxation, and that His Majesty be requested to lay these resolutions and documents before the Imperial Legislature.

On which the House divided, and the Yeas and Nays were taken as follows :

YEAS—Messrs. Baby, Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Hopkins, Hornor, Ketchum, Kilborn, Leflerty, Lockwood, Lyons, McCall, McDonald, Malcolm, Matthews, Mackenzie, Perry, Peterson, G. Rolph, John Rolph, Shaver, Smith, Terry, Thomson, James Wilson, and Woodruff—31.

NAYS—Messrs. Attorney General, Berezy, Bethune, Fraser, Hamilton, Henderson, Longley, Morris, Samson, and Wilkinson—10.

The question was carried in the affirmative by a majority of twenty-one.

Mr. John Rolph, seconded by Mr. Perry, moves, that it be

*Resolved*, That the honorable Mr. Justice Sherwood and the honorable Mr. Justice Hagerman, were summoned to ap-

pear before the Select Committee of this House appointed to enquire into the case of the said Francis Collins, and having appeared before the said Committee, and being made acquainted with the allegation of the petition, an opportunity was afforded them of offering any explanation; which opportunity was declined by them.

Which was carried.

The Address to His Majesty was then read a second time.

Mr. Perry, seconded by Captain Matthews, moves, that after the word "dominions," in the Address to His Majesty, the following words be added, "and that Your Majesty will be graciously pleased to lay a copy of the resolutions and accompanying documents before Your Majesty's Parliament of the United Kingdom of Great Britain and Ireland,"—

Which was carried, and the Address was concurred in, and ordered to be engrossed and read a third time this day.

#### THURSDAY, 12th March, 1829.

Agreeably to the order of the day, the Address to His Majesty in behalf of Francis Collins was read the third time.

On the Question for passing the same, the House divided, and the Yeas and Nays were taken as follows :

Yeas—Messrs. Baldwin, Blacklock, Buell, Cawthra, Dalton, Ewing, Horner, Ketchum, Kilborn, Lefferty, Lockwood, Lyons, McDonald, Mackenzie, Malcolm, Matthews, Perry, Potterson, John Rolph, Shaver, Smith, Thomson, James Wilson, and Woodruff—24.

Nays—Messrs. Dickson, Henderson, Longley, Morris, Radenhurst, Samson, Terry, and Wilkinson—8.

The question was carried in the affirmative by a majority of sixteen, and the Address was signed and is as follows :

#### *To the King's Most Excellent Majesty :*

**MOST GRACIOUS SOVEREIGN,**

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request Your Majesty's most favorable consideration of the Resolutions and Documents accompanying this Address, and humbly pray Your Majesty to extend to Francis Collins the Royal Clemency, by remitting the residue of his punishment—which act of mercy will be most acceptable to the people of this Province, and be regarded by us as a fresh proof of Your Majesty's gracious disposition to consult the wishes and happiness of Your people in all parts of Your ample dominions—and that Your Majesty will be graciously pleased to lay a copy of the Resolutions and accom-

panying Documents before Your Majesty's Parliament of the United Kingdom of Great Britain and Ireland.

MARSHAL S. BIDWELL, SPEAKER.

*Commons House of Assembly,* }  
12th March, 1829.

Mr. Perry, seconded by Mr. Dalton, moves, that an Address be presented to His Excellency the Lieutenant Governor requesting him to transmit to His Majesty the Address of this House, and the Resolutions upon which it is founded, and also the evidence and accompanying documents reported by the Committee to whom was referred the petition of Francis Collins, and that Messrs. Leflerty and Woodruff be a Committee to draft and report the same.

Which was carried.



**R E P O R T**

ON THE

PETITION OF

**WILLIAM FORSYTH,**

OF THE NIAGARA FALLS PAVILION,

COMPLAINING OF

**MILITARY OUTRAGE, &c.**

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## REPORT.

TO THE HONORABLE THE HOUSE OF ASSEMBLY :

The Special Committee on Grievances, to whom was referred the Petition of William Forsyth, of Bertie, late proprietor of the Niagara Falls Pavilion Estate, complaining of the unwarrantable interference of Sir Peregrine Maitland with his civil rights, in the employment of a Military Force to dispossess him of his property, and of other wrongs done him on the part of the Government respectfully report :—

1st. That William Forsyth was in quiet and peaceable possession of certain land and premises, near the Falls of Niagara in 1827, respecting his title to which, as proprietor, some disputes have arisen, which have since terminated, in a verdict in favour of the persons to whom he sold the estates, on an action of trespass.

2d. That Sir Peregrine Maitland, acting in his military capacity as Major General Commanding the Forces in Upper Canada, and without consulting the Attorney General, issued his orders to Captain Phillpotts to dispossess Mr. Forsyth and eject him from his property by force.

3d. That Captain Phillpotts in the above year, acting in obedience to the commands of Sir Peregrine Maitland, took with him a party of soldiers, entered with them upon Mr. Forsyth's premises, and in defiance of his remonstrances and entreaties cut and threw down his fences leaving his growing crops exposed, destroyed his Blacksmiths' shop, and caused him other damage and injury. This they did on the 18th of May, 1827.

4th. That Mr. Forsyth employed persons to build up and repair his fences, and restore his premises to their wonted state of order and regularity, the outrage having been committed at a season of the year in which many strangers visit the Falls.

5th. That Captain Philpotts and his soldiers, acting as before under the superior authority of Sir Peregrine Maitland, again entered upon Mr. Forsyth's lands, threw down his fences, destroyed his crops, and did him damage, they paying no attention to his remonstrances.

6th. That this second outrage, like the first, was unknown to the Attorney General, whose first knowledge of these circumstances was acquired after he had been instructed to defend Captain Philpott's conduct in an action brought by Mr. Forsyth.

7th. That Mr. Forsyth was baffled in his attempts to obtain redress in the ordinary Courts of Law, and that when the House of Assembly took the matter up on his petition Sir Peregrine Maitland ordered Colonels Givens and Coffin to disobey their summons so that the evidence which would have identified the Lieutenant Governor with these matters could not then be obtained, the Colonels choosing to remain in gaol, till the close of that Parliament, rather than give their testimony before the Committee.

8th. That the Select Committee, consisting of Mr. John Rolph, Chairman, Captain Matthews, and Messrs. Randal, Lefferty, and Bearasley, reported that "Richard Leonard," then Sheriff (and to whom the law had entrusted a large discretionary power in the selection of Jurors) "was present countenancing the party committing the trespass," that "both the Crown Officers were engaged in defence of the persons guilty of the outrage," and that "it is clear that a person long in possession of land, like the petitioner, ought to have been ejected by the law of the land, which is ample, when impartially administered, for securing the rights of property, but the interference of the Military, by such acts of violence, for maintaining suppressed or contested rights, is justly regarded with jealousy in all free countries, and ought to be seriously regarded in a colony, where the most unprecedented outrages have been perpetrated without prosecution, and even followed by the patronage of the local government upon the wrong doers."

9. That Mr. Forsyth applied by petition to His Majesty, and that Mr. Mackenzie, a member of this Committee, at his special request, brought the affair under the immediate notice of the Colonial Department in 1832.

10. That the House of Commons addressed His Majesty in its Session of 1832, and again its Session of 1833, for "Copy of the Reports of two select Committees to whom were severally referred petitions addressed to the House of Assembly of Upper Canada, in the Session of the Provincial Legislature, 1828, complaining of improper conduct on the part of Captain George Philpotts of the Royal Engineers, and other wrongs, and of the administration of justice; with the evidence attached to these Reports, as present-

ed to the House on the 24th March, 1828, by Mr. Rolph and Mr. Beardsley, with the proceedings of the House in the case of Colonels Gavins and Coffin, heads of Departments, who were sent to gaol for refusing to give testimony in the matter of Capt. Phillips, they severally alleging to the House that the Major General, then commanding, would not permit them to attend, together with the proceedings, if any, which have been had thereon by His Majesty's Government, or the local authorities." And that these documents were accordingly transmitted by His Excellency Sir John Colborne, and ordered to be printed by a resolution of the Commons House of the Imperial Parliament.

11th. That it appears on a reference to the Despatch of Sir Peregrine Maitland addressed to Mr. Secretary Huskisson, on the 29th of March, 1828, that it contained a gross and unwarrantable attack upon the rights, privileges and character of the House of Assembly, and a Committee of its appointment, and that the secrecy of a confidential communication from the Lieutenant Governor of this Colony was taken advantage of to slander and traduce the character of Mr. Forsyth to his sovereign, as "a person notoriously of indifferent character."

12th. That the conduct of Sir Peregrine Maitland in these proceedings was justly condemned by Secretary Sir George Murray, as appears by his despatch to Lieutenant Governor Sir J. Colborne, dated October 20th, 1828, of which a copy is hereto annexed.

13th. That it appears from Mr. Forsyth's petition that harrassed as he had been by illegal proceedings and wearied with fruitless applications for redress, he concluded to dispose of his valuable estate, for less than it was worth, and that no compensation has been made him for the injuries he sustained by the unlawful proceedings taken against him by authority of the late Lieutenant Governor.

14th. That in a letter to Colonel Rowan, dated the 31st of December, 1832, Chief Justice Robinson, after giving a description of Forsyth's Estate, adds that "Mr. Forsyth does not now occupy any part of the property in question, having sold it to persons who, I am convinced will never pretend that they have a right to enclose the public reservation to which he asserted a claim."

15th. That Messrs. Clark and Street, the persons who purchased the property from Mr. Forsyth have not only asserted their

right to enclose it, but have also succeeded in obtaining a verdict for a trespass upon it.

16th. That it appears from the accounts sent down to this House that £127 6s. 6½d. Sterling, were paid to the Attorney General last year, out of the funds raised by duties levied under the Act 14th George III. for "expenses incurred by him in defending two suits with costs in reference to the Military Reserve near the Falls of Niagara."

Your Committee are of opinion that the petitioner William Forsyth hath sustained great injury at the hand of Sir Peregrine Maitland, and others acting under his authority, while he commanded the Military force stationed in the Province; and that he is entitled to such compensation for the wrongs done him, as it may be within the power of government to afford, and they recommend, as the proper course to be pursued, that an Address be presented to the Lieutenant Governor, requesting His Excellency to bring the circumstances of the Petitioners' case under the consideration of His Majesty's Government, in order that that redress and remuneration may be afforded him, for which he has so long, and hitherto, so unsuccessfully applied.

WM. L. MACKENZIE,  
*Chairman.*  
 T. D. MORRISON,  
 DAVID GIBSON,  
 CHARLES WATERS.

*Committee Room, House of Assembly, }*  
 April 1st, 1835. *}*

THURSDAY 19th MARCH, 1835.

The Committee met, and the petition of Mr. Forsyth was read as follows:—

*To the Honorable the Commons House of Assembly in Provincial Parliament Assembled.*

The Petition of William Forsyth of Bertie, in the Fourth Riding of Lincoln, Yeoman.

HUMBLY SHEWETH :

That Your Petitioner, on the second inst. complained by Memorial to His Excellency Sir John Colborne, in the following terms:—

Stating that in 1821 I (William Forsyth) bought from William Dickson, Esq. Lot 1<sup>st</sup>9, with the broken front between it and the Niagara River, adjoining the Falls, also other parts of Lots that had been granted to one Francis Ellsworth about 35 years ago.

That in 1827 Captain Phillpotts, with a Military force, violently and unlawfully wrested from me the valuable strip of land on the high bank and brow of the hill near the Falls, the said Phillpotts acting under the direction of Sir Peregrine Maitland, that my Gardens and Meadows were twice thrown open and my growing crops subjected to waste, my Blacksmith's shop destroyed and thrown over the hill—and that at least 60 acres of growing crops were more or less injured.

That I went to law for my damages and to defend my title—had various success—was harassed many ways—injured in my circumstances—traded in my character by the Lieutenant Governor—persecuted for the sake of my valuable estates which others were anxious to obtain—and embarrassed in my business because I had had fortitude to resist executive usurpation—that thus situated I resolved to sacrifice the whole Falls estate to those who were more likely than myself to obtain equal justice—and that I did so at a price at least \$15,000 less than its fair value to the present owners who had no difficulty in obtaining that justice in the premises which to me (a marked man) had been continually denied.

That your petitioner concluded his statement by praying that the Executive Government would compensate him for the injustice he had sustained—and received in reply an opinion signed by the Attorney General referring to the documents printed by order of the House of Commons 18th July 1833, and affirming that the government had not abandoned its claim to the property in question, and that if it appeared expedient to the constitute authorities it was his intention to proceed against Clark and Street “by the information of intrusion,” the Lieutenant Governor in Council, at same time, stated that the new proprietors were placed in your petitioner's stead by his sale to them.

Your petitioner has long waited for justice, and he refers to the several lawsuits he has been engaged in—to his humble petitions to your honorable house—to the very favorable reports made on

them by the three Select Committees of which John Rolph Esq. B. C. Beardsley Esq. and the late Colonel Hornor were Chairmen—to the attention paid to his case by the enquiries and addresses of the Honorable the House of Commons—to the evidence on the Journals of your Honorable House shewing that he has been the victim of lawless outrage and military violence—to his memorials to his Majesty—and to the many days he has passed in attendance upon the Legislature urging its interposition in his case.

Your petitioner has had his character traduced in the most indecent terms by the late Lieutenant Governor, in his secret communications to the Colonial Office; your honorable house has also been grossly misrepresented to his Majesty as a band of conspirators, and a report in your petitioners favor emanating from some of the most honored members of the Legislature was secretly denounced, to our most gracious Sovereign, by the then head of the government here, as a production “drawn in terms which gratify the malice of an individual or answer the temporary purpose of an unprincipled faction,” meaning your honorable house as it existed in the Ninth Parliament.

Information as to the outrage committed at the Falls was withheld from your honorable house by the express commands of the Lieutenant Governor, who ordered his officers to disobey the summons of the House, and to keep back the facts by which the full extent of the atrocities practised by the Military band under Captain Phillpotts would have been exposed; and although Colonels Coffin and Givens were imprisoned for contempt, the purposes of the enemies of justice were answered, and enquiry was smothered. In order to strike terror into the press and prevent it from exposing these high handed acts, a presentment was made against one of the Editors of this City for expressing his de-estation of the cruelty which had been practised towards your petitioner—and the then Surveyor General joined the enemies of investigation by refusing to obey the order of the House or to give that evidence which would have elicited the facts in your petitioner's favor.

Your petitioner comes before your honorable house as a man marked out by the finger of authority to be oppressed with impunity—and humbly and earnestly implores your assistance, so that justice—tardy justice—may be done him, and the honor of the Crown and the rights of the subject (violated as they have been in his person) duly secured, asserted and maintained.

And your petitioner as in duty bound will ever pray.

WM. FORSYTH.

Niagara Falls Pavilion, February, 1835.

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*Friday, 20th March, 1835.*

ROBERT S. JAMESON, Esq., ATTORNEY GENERAL, called in and examined.

Mr. Forsyth of Bertie, late the proprietor of the Niagara Falls Pavilion, has petitioned the House, complaining that at least



\$15,000 have been lost to him in the sale of the Falls Estate, by the opposition made to his claim to a certain part of that Estate by the Executive Government, which claim has, he says, been abandoned by it, since he sold to Messrs. Clark and Street. What information can you afford this Committee concerning his claim for redress?—

*Answer.*—Most of the circumstances to which Mr. Forsyth alludes took place before my arrival in this Province, and are detailed in the documents appended to his petition now before me. With regard to the matters within my own knowledge relating to Mr. Forsyth's case, I cannot convey the information required of me by the Committee more succinctly than by putting in an extract from the remarks made by me (4th Feb.) upon Mr. Forsyth's petition to His Excellency, which he has partly set out in the one subsequently presented to the House of Assembly, and which is now before the Committee; my opinions upon the subject being the same as when those remarks were written.

The Petitioner, in alleging that "the private Company" (to whom he states that he had sold his property at the Falls of Niagara) "found little difficulty in obtaining from the Government that justice which had been continually denied to him," is evidently under a total misapprehension. He seems to suppose that the Government has abandoned to Messrs. Clark and Street that which it saved for the public from the intrusive appropriation of Mr. Forsyth himself. It is true that after having been by two verdicts, and judgments of the Court of King's Bench, decided to be a public reserve, Messrs. Clark and Street, the present proprietors of the land adjoining, succeeded last year in obtaining a verdict for a trespass upon that small piece of ground on the Bank of the River opposite the Falls, which was in 1793 specially reserved in the Patent to Elsworth; but that verdict was set aside by the Court of King's Bench, as being contrary to evidence. When this action of trespass came on to be re-tried at the last Niagara Assizes, the principal, and in fact the only important witness for the defence, the Surveyor, who originally laid out the reserve, before the adjoining land was granted, did not obey the subpoena; he being, as he afterwards explained, just recovering from a dangerous sickness, and as the Judge at Nisi Prius did not think it right to accede to my application to allow the case to stand over for a few days until he could attend, no evidence was offered. The verdict however in this personal action I considered as comparatively of little importance, since a suit was at that moment pending on the part of the crown against Clark and Street which would have conclusively settled the title to the land, and which then stood for trial, but from the absence of the witness above mentioned the record was for the present withdrawn. So far from entertaining any doubt as to the right of the crown to the reserve in question, I am convinced that the claim now set up by Clark and Street is an unrighteous one; and unless it should be considered by the Executive Government, for any reason not at present apparent, to be inexpedient, it is my intention to proceed against those gentlemen by the information of intrusion, which I was, for the reason I have just stated, obliged to withdraw. The Committee will observe therefore that

the government has not abandoned the claim over the sale of the property to Messrs. Clark and Street; but on the contrary has expressly sanctioned the proceedings and paid for the vindication of what it considers to be the right of the public to the reserved claim on the top of the bank opposite to the Falls of Niagara, which the government is desirous to keep open as an approach to the view of the Falls.

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GILBERT MEMICKING, Esq. M. P. FOR LINCOLN, called in and examined.

A petition has been referred to this Committee complaining of great wrongs done to Mr. Forsyth of the Niagara Falls, by Captain Pailbors and the Military.—What do you know of this transaction?—A great outrage was perpetrated in defiance of the laws—it created very great excitement in the country, but no justice has been obtained against the parties—the transaction has placed the judiciary authority of this Province not above suspicion.

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DAVID THORBURN, Esq. M. P. FOR THE FALLS OF NIAGARA RIDING OF THE COUNTY OF LINCOLN, called in and examined.

You presented a petition to the House from Mr. Forsyth, the late owner of the Niagara Falls Pavilion, complaining that he had sustained great injury at the hand of the government, and that a violent outrage had been committed upon his property while at the Falls.—What do you know respecting these matters?—The general feelings of the country was opposed to the outrage by the Military, but I am not aware that Mr. Forsyth ever got any redress.

It appears by the accounts sent down to the Assembly this session that £5000 sterling have been paid out of the Provincial Revenue, without the consent of the Legislature, to the Attorney General for defending suits with respect to the title of the crown to some part of the property claimed by Mr. Forsyth.—Are you aware what steps Mr. Forsyth, or the persons he has sold to have taken in these lawsuits?—I am not.

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## Upper Canada.

### No. 1.

Copy of a Despatch from Major General Sir John Colborne to Viscount Goderich.

UPPER CANADA, }  
York, 11th January, 1833. }

SIR LORD,

I have the honor to forward to you the accompanying documents with reference to your Lordship's Despatch of the 29th

of August, in which was transmitted a copy of Resolutions of the House of Commons, respecting certain petitions addressed to the House of Assembly of Upper Canada in the session of the Provincial Legislature of 1828, and to acquaint your Lordship, that as the circumstances connected with Forsyth's petition could not be understood without a report from Chief Justice Robinson, who was Attorney General at the time Forsyth brought his action for trespass, I have considered it necessary to call on the Chief Justice for such explanations connected with the affair as he might be able to afford, and to forward them for the information of the House of Commons.

I have &c.  
(Signed) J. COLBORNE.

*Letter from Chief Justice Robinson to Lieutenant Colonel Rowan,  
Secretary, &c. &c. &c.*

YORK 21st December, 1832.

SIR,

I have the honor to acknowledge the receipt of your letter, transmitting some Resolutions of the House of Commons, in consequence of which His Excellency the Lieutenant Governor has been desired to furnish copies of certain proceedings in the Assembly of this Province, upon petitions preferred by William Forsyth.

In reply, I beg leave to state, that the specific call for information which the House of Commons has made, would be answered, as it appears to me, by merely retranscribing from the Journals of the Assembly the Reports referred to, and the evidence appended to them, and transmitting those papers to England. If the subject of His Excellency's reference to me is to obtain any further information on the subject of these complaints which it is in my power to give, I can have no objection to state such facts as are within my knowledge, according to the best of my recollection.—The reports alluded to have not, so far as I am aware, engaged my attention in this country, either in the Legislature or out of it, for some years; I have long ceased to think of them; and it is more than three years since I left the situation under the Government, which gave me official knowledge of the matters they refer to. It is therefore probable, that some minor circumstances may have passed from my mind, but I apprehend the following statement will be found to be in substance correct.

The Township of Stamford, and the other Townships on the River Niagara, as well as some other parts of this Province, were surveyed and laid out into lots before the division of the Province of Quebec into Upper and Lower Canada, some time between the years 1765 and 1790, and while General Haldimand administered the Government of Canada. In laying out the lands on the River Niagara, a reservation of a Chain in width (66 feet) was made along the top of the bank, partly, I think, with a view to the Mi-

tary defence of the Province, and partly for the purpose of preserving a convenient communication.

The River, which in many places is of very moderate width, constitutes a boundary between us and the United States of America; and it no doubt occurred to the government that in the event of war, it might be necessary to construct batteries and other works upon the bank to repel invasion, or to command the passage of the river. In the war which occurred in 1812, batteries were in fact constructed at numerous points along the river.

In more recent surveys, made under the authority of the government of Upper Canada, it has been thought obviously proper for other reasons, and independently of these considerations, to reserve to the Crown, for the public convenience, the space of a chain along rivers and other waters of far less importance than the Niagara; such a reservation, by preserving the land open, affords to all persons access to the water without trespassing upon the lands of private proprietors.

After General Simcoe assumed the government of Upper Canada as a separate Province, (in the year 1792) the particular public reservations which had been made along the Niagara river, in the original surveys were designated, and reported to him by the Surveyor who had made those surveys under the authority of the Government. Among these, (for there were others at particular points) was the general reservation I have mentioned, of one chain from the top of the bank along the River Niagara.

The Letters Patent afterwards issued by the Provincial Government to the several grantees specified this reservation or exception: It was a matter perfectly notorious and well understood, and no doubt or difficulty, that I have heard of, ever arose upon the subject for nearly forty years, and until Mr. Forsyth in the year 1826 or 1827, took upon himself to inclose with a high post and rail fence, the allowance or reservation of one chain along the bank of the river in front of his own lands; and the effect of making this inclosure in the place and manner in which it was made, was to exclude the public from access to the great natural curiosity, the Falls of Niagara, except such persons as he might permit to go through his house or premises to the bank of the river. Mr. Forsyth kept the principal Inn at that time at the Falls, and owned the adjoining lands for a long distance along the river, including those points to which all strangers resort to view the Cataract.

The public were annoyed at this act of Mr. Forsyth's, and applied by petition to the Lieutenant Governor for redress. This petition I have seen, it was signed by the most respectable inhabitants of the country, and I think the Lieutenant Governor was repeatedly applied to, and the necessity urged upon him of having this unauthorised obstruction removed. I have now in my possession the statements made on oath and preferred to the Lieutenant Governor by the keeper of an hotel in the vicinity, complaining of the oppressive consequences to him of the vexatious usurpation by Mr. Forsyth.

The reservation of a chain along the river, had, it seems, been commonly regarded as made for military purposes rather than for civil, and looking upon it in that light, as I suppose Sir Percigne

Maitland, who then resided in the District of Niagara, and within a few miles of the reserve in question, and who was then Major General commanding, referred to the Engineer officer in charge in that district, and instructed him to see that the space was kept open, as it had been, and as it ought to be. This officer, Captain Phillpotts, after Mr. Forsyth had been *requested in vain* to remove his fence, thought himself bound by his instructions to see that it was removed, and taking a small party of soldiers in their fatigue dress, he did, in the presence of Mr. Forsyth, cut or pull down the fence, and throw open the land again to the public; and he also pulled down and removed a small blacksmith's shop, made of boards, which had been placed on the reserve. No force was necessary for overcoming any personal resistance, for none was made. To prevent the possibility of encroaching upon Mr. Forsyth's property, Captain Phillpotts procured the attendance of a Mr. Jones, the very same sworn Surveyor who had made the original official survey of the ground nearly forty years before, and it was of the land marked out by him as the public reservation that possession was taken. It appears also, that to prevent a mis-statement of his proceedings, Captain Phillpotts had requested the Sheriff of the District, who lives near the premises, to be present and observe what was done. The Sheriff did attend, but took no part. The soldiers, in obedience to their orders, pulled down the fence; and Mr. Forsyth, who was present, remonstrated and declared that he would prosecute for this trespass, as he called it, upon his property. The pickets and other materials not having been removed from the ground, Mr. Forsyth soon afterwards set up the fence again, and excluded the public as before; and Captain Phillpotts again took it down, and with no additional circumstance of force, and no more direct resistance on the part of Mr. Forsyth.

For these two acts, Mr. Forsyth brought civil actions, one against the Sheriff and Captain Phillpotts jointly, for the first removal of the fence and building, and the other against Captain Phillpotts alone for the second removal of the fence. Captain Phillpotts reported to Sir Peregrine Maitland, that he had been thus prosecuted for acts done in obedience to the orders he had received, and I, being the Attorney General at the time, was instructed to defend those suits, and to take the necessary measures for vindicating the right of the Crown.

My first knowledge of the circumstances I have detailed above, was acquired after I had been so instructed, and I relate the facts from my recollection of the evidence given afterwards upon the trial.

I pleaded specially to the actions, in such a manner as to bring in issue the right of the Crown to the space of land in question, Mr. Forsyth took issue on that right, not relying upon or asserting in his pleadings that any unwarrantable or excessive violence had been used, or any wrong committed in case the land was the property of the Crown, but simply denying that fact, and asserting the property to be his. To set that point at rest in the most formal manner, I filed an information of intrusion against him on the part of the Crown, for his act in taking possession after the removal of his fence, and to this information he pleaded not guilty. Thus in three several actions or cases, the opportunity was afforded of trying the question by juries of the country. It was fully investigated, and

upon the clearest testimony decided against Mr. Forsyth's pretensions. He failed in his action against Captain Phillipetta and the Sheriff, and a verdict was rendered against him on the information of insursion. Upon this verdict, judgment was entered, and a writ of *amercias manus* sued out and executed. Upon the trials he maintained his pretensions to the grounds inclosed, by giving a particular construction to the words "top of the bank," and endeavouring to apply them to the top of the *lower bank*, confining the river at an inaccessible point, and to which lower bank no person could pass from what is actually the "top of the bank," and more especially after he had inclosed the space in question.

This construction, repugnant to reason, was clearly repelled by various proofs, and especially by the evidence of the very surveyor, still living, who laid out the ground in the year 1726, who was examined as a witness at the trial, and whose explanations were confirmed by a survey recently made by another most respectable surveyor. It was proved that the lines of the lots, as originally marked out, were never produced farther than within one chain of the high bank, or commencement of the Tableland; and moreover the actual contents of the lots themselves, furnished internal evidence of this fact. I have also in my possession the evidence on affidavit of a man still living, who was chain bearer on the original survey, and of another respectable inhabitant of the Province, who was residing in Stamford at the time. This additional testimony I became accidentally aware of since the trials, and they are conclusive as it seems to me, upon the point at issue.

It was while his action against Captain Phillipotts and the Sheriff was pending, and a few months before it was to be tried, that Mr. Forsyth made these statements to the Assembly, the natural effect of which would be to elicit a discussion calculated to inflame the public mind, by exciting a jealousy of military interference, and from this excitement he probably expected an advantage in his contest with the government upon the question of right. His petition was entertained and referred to a select Committee, who received such evidence as they chose, and made the report upon it, which appears upon their journals. It will be seen that this report was brought in at the close of the Session; no question upon its reception was ever moved in that body, nor were the opinions expressed on it made the subject of discussion or vote. It has therefore no other sanction than the opinion of the Committee upon an *ex parte* hearing; and if I am entitled to assume that truth must be regarded in a Legislative body, I may venture to assert that such a report could not have been approved if it had been made the subject of open discussion. In the face of whatever attempts were made by the petitioner to excite prejudice, the jury came to the conclusion I have stated. The notes taken of the evidence by the Judge who presided at the trial have *most probably been preserved* by him, and a copy might be procured, if for any purpose it should be desired.

I will add further, that no exception to the verdict of the jury was attempted to be raised by Mr. Forsyth—no new trial was moved for. In the four years that have elapsed since, I do not recollect that in the Legislature or elsewhere, the subject has excited

ing interest. Sir Forsyth does not now own any part of the property in question, having sold it to persons who, I am convinced, will never pretend that they have a right to enclose the public reservation to which he asserted a claim.

With respect to the reasonableness of the complaint as to military interference, I think it would be difficult to find, in His Majesty's service, an officer less open to the imputation of arbitrary conduct, and a disregard of civil rights than Sir Peregrine Maitland. When he took the step complained of, he was doubtless sufficiently aware how easy it is, in a certain temper of men's minds, to make a trifling matter the cause of an unjust exclamation; and had he thought of nothing but his own case, he would probably have declined giving any direction to the Barrack Officer to remove the nuisance complained of, and he might have told those who petitioned for his interference, that they must submit to Mr. Forsyth's encroachments upon the public right, and await the result of an information for intrusion. An individual whose property had been thus trespassed upon would have had a clear right by law to abate the nuisance, and it seemed no unreasonable expectation that the Government should protect its rights as fully and promptly as individuals may. It was the natural impatience of the public, under the vexatious act of Mr. Forsyth, that led the government, for their sake, to the measure which occasioned for a time, no little trouble.

Whether it would have been more judicious in Sir Peregrine Maitland to have taken any other course, I need not presume to offer an opinion; having known nothing of the act complained of until after it had taken place, no responsibility rested with me as Crown Officer; and so far as respects any legal question, I need assume no responsibility now; but without pretending to decide the matter on its strictly legal point of view I must say I have not much doubt that if, in any part of England or in the United States of America, an intruder were to insist on encumbering a barrack square with his wagon, or were to plant posts and rails in a parade ground, the nuisance would be removed under the direction of an officer on the spot.

The House of Commons has also called for information respecting "the proceedings of the Assembly of this Province, in the case of Colonels Givens and Collins, heads of departments, who were sent to gaol for refusing to give testimony in the matter of Captain Philipott's, they severally alleging to the House, that the Major General then commanding would not permit them to attend; together with the proceedings, if any, which have been had thereon by His Majesty's Government, or by the local authorities."

I was Attorney General at that time, and have a general recollection of the matter here referred to. In that session of the Legislature (1828,) as will be seen by inspection of the Journals, there were a number of Select Committees conducting inquiries into various public matters. It had been the constant usages of the Assembly, in past years, when any of their Committees desired that an officer of the Government should attend them as a witness, to send an address to the Lieutenant Governor, communicating their wish and specifying the subject on which the evidence of the witness was required. The order then proceeded as a matter of course,

from the Lieutenant Governor to the officer, to attend the Committee. Whether this was the proper course, having a due respect to the privileges of the different branches of the Government, or whether it was a wholly unnecessary courtesy, I do not pretend to determine, but it had been usually, if not invariably followed. One of the Select Committees in this session required the evidence of Colonel Coffin, the Adjutant General of Militia, and of Colonel Givens, the Chief Superintendent of Indian Affairs; and instead of addressing themselves to the Lieutenant Governor, as had been usual, the Select Committee sent, it seems, a summons directly to those gentlemen. I do not mean to say, speaking as I do merely from memory that this was the first instance of a variance from the former usage spoken of; but at all events the departure from that usage was of very recent date, and the officers in question having received the summons, reported the fact to Sir Peregrine Maitland, and prayed his instruction. The object of inquiry (unless I am much mistaken) was not stated in the summons, and the Lieutenant Governor or Commander of the Forces, in whichever capacity Sir Peregrine Maitland conceived he was acting, (and considering the nature of the duties discharged by those officers, or by one of them, certainly I suppose he acted in the former) being left quite uninformed on that point, desired them not to attend, meaning, I take it for granted, by that course to insist upon the right of being made acquainted with the subject of investigation upon which the testimony of these public officers was desired. Colonels Givens and Coffin obeying the orders of the Lieutenant Governor, did not attend. The Assembly resolved that their refusal was a contempt, and committed them. They afterwards brought an action of false imprisonment against the Speaker, but they did not recover, for the legality of the imprisonment, that is, the right of the House to commit for what they had adjudged to be a contempt, was confined by the Court of King's Bench by a solemn judgment rendered in another cause then pending which involved the same question.

If, in making this statement from memory, I have fallen into any error, a reference to the Journals will perhaps correct it; and as Sir Peregrine Maitland is now in England, if I have misapprehended or have stated imperfectly the grounds on which he acted, he can of course more correctly explain them.

I observe it is stated in the resolutions of the House of Commons, that the officers referred to were required to give evidence in the matter of Captain Phillpotts.

I am not under the impression that any connexion between the two matters was expressed in the notice given to the officers to attend, or was understood at the time of the occurrence, though, of course, the Select Committee and the Assembly were aware of it, and the Government must soon after have known it, if they did not at first. But however this may be, I am satisfied that no desire to keep from the Select Committee any information that Colonel Givens or Colonel Coffin could give respecting Captain Phillpotts or Mr. Forsyth, could have had the slightest influence with the Lieutenant Governor. I cannot see how there could have been any room for such a motive; I do not recollect that I



ever exchanged a word with either of those gentlemen on the subject of Mr. Forsyth's complaints; but from the very nature of the thing, from their duties and characters and occupations, I am persuaded in my own mind that, whatever Mr. Forsyth may have imagined, they could have had nothing more to tell respecting that transaction that could affect either the Lieutenant Governor, or Captain Phillpotts, than any two officers that might have been taken at random from any regiment at that time in His Majesty's service. The House of Assembly did not in any subsequent session require their evidence on any complaint of Mr. Forsyth's, and if they did in fact know any thing that Mr. Forsyth himself considered important it was singular that they were not heard of upon the trial which afterwards took place, when their evidence must have been most material if it could have affected either his rights or the amount of damages which he claimed, and when their attendance could have been procured as a matter of course, upon an ordinary subpoena.

In one of the Petitions of Mr. Forsyth there are reflections cast upon the administration of justice in this Province, and particularly upon the conduct of the Crown Officers, upon whom the duty is imposed of conducting criminal prosecutions in the Courts of Oyer and Terminer, and in the evidence given by him before the Select Committee, Mr. Forsyth has made certain statements affecting myself individually.

For more than sixteen years before that time, I had discharged, with one or two short intervals, the duty of Attorney General, and there could scarcely be much foundation for the remarks made upon the administration of justice, without my being implicated considerably in the misconduct spoken of.

Whatever countenance may be considered to have been given to these complaints of Mr. Forsyth by the report of the Select Committee of the Assembly, and through whatever channel and for whatever purpose these matters are now brought under the notice of the House of Commons, I hold myself bound to prove and ready to prove, upon any investigation conducted upon those common principles of justice which regulate the most inferior tribunals in this country, that, as applied to myself, the charges and insinuations are utterly groundless, and I undertake, at this distance of time to repel satisfactorily the attempt to justify them by any one act of mine, during the whole course of my public service as Crown Officer.

In respect to the assertions of Mr. Forsyth, which expressly apply to myself personally, the evidence of the Honorable William Dickson and of the Honorable Thomas Clark, printed in the Appendix to the Journals of the same session, will shew to what credit they are entitled.

I will only add, what indeed I have already stated, that the Report of the Select Committee was never adopted or discussed, or in any manner acted upon in the Legislature of this Province. Against the act of a Select Committee in receiving evidence, and reporting it, by which means it becomes printed in the Journals, there is no remedy; but although the Assembly, neither in that time nor in the four years that have since elapsed, brought Mr. Forsyth's statements to the test of a public discussion, or of a satisfactory investigation:

if the House of Commons has leisure and inclination to examine into my official conduct or private transactions, I shall be happy indeed to undergo the scrutiny; and in the mean time, I content myself with affirming, that His Majesty has no officer in his service, civil or military, in any part of his dominions who has kept himself more entirely free from any pecuniary or private transaction that could interfere with his public duty, or bring in question his character as a man than I have done to the present hour, and I shall be surprised if an individual can be found in the Province of ordinary good character, whatever may be his political bias, who will assert the contrary.

I have &c.

(Signed)

JNO. B. ROBINSON.

*CAPTAIN PHILLPOTT'S statement respecting the removal of the fences, &c. put up on the Military Reserve, near the Falls of Niagara, by Mr. William Forsyth.*

Mr. Forsyth, who purchased the farm immediately adjoining the Falls of Niagara some years since, on which he erected a large hotel, &c. having, without any permission or authority whatever, taken upon himself to enclose the strip of land originally reserved by the Government for the purpose of securing a convenient access to the river at all times, and having wilfully destroyed a wooden causeway made on this Reserve by a neighbouring inkeeper, Mr. J. Browne, for the accommodation of persons visiting the Falls, so that the only convenient approach to this great natural curiosity was through his (Forsyth's) own house, and all the most respectable inhabitants in the neighbourhood signed a petition to the Lieutenant Governor, Major General Sir Peregrine Maitland, requesting that the said Reserve might be thrown open to the public.

In consequence of this application His Excellency directed Capt. Phillpotts, at that time commanding the Royal Engineers in that District, and therefore in charge of these Reserves, to make a survey of the Government ground near the Falls, and remove any fences &c. which had been placed thereon.

In compliance with these directions, Captain Phillpotts went to the spot, with a Sergeant and four soldiers, *in fatigue jackets without arms*, having previously visited the Falls for the purpose of calling on Mr. Forsyth, and informing him that he had placed his fences, &c. on the Government Reserve; and having communicated to him the orders he had received on the subject, he informed him that he should be obliged to carry them into execution, unless Mr. Forsyth would remove the fences himself, which he not only refused to do, but threatened to prosecute Captain Phillpotts if he touched them. In order to prevent the possibility of mistake, Captain Phillpotts had obtained Sir Peregrine Maitland's authority for availing himself of the assistance of Mr. Jones, (a sworn surveyor, who originally laid out that part of the Province, when the country was first settled,) who, on this occasion, made a survey of this Reserve, and pointed out its limits by pickets, for the guidance of persons em-

employed to remove Mr. Forsyth's fences. This took place on about the 18th of May, 1827, and about four days afterwards, Captain Phillpotts, having occasion to visit the Falls, saw that these pickets had been taken away, and Forsyth's fence re-placed on the Reserve, which Captain Phillpotts caused to be again removed, and the Reserve to be marked out with pickets as before.

Major Leonard, the Sheriff of the District, who resides near the Falls, having accompanied Captain Phillpotts to the ground, at his request, Mr. Forsyth brought a civil action against both of them for the alleged trespass, which was tried at Niagara, and a verdict was given for the defendants.

In consequence of his having again placed his fence on the Government Reserve, the Attorney General was directed by the Lieutenant Governor to institute legal proceedings against Mr. Forsyth; a writ of intrusion was filed against him accordingly; and on a subsequent trial, a verdict was given for the Crown; and thus, on two different occasions it has been proved by juries composed of respectable yeomen of the country, that Mr. Forsyth had no cause of complaint whatever against Captain Philipotts, or the military persons employed under him on this occasion.

GEORGE PHILLPOTTS,  
*Captain Royal Engineers, York, U. C.*

January, 9th 1833.

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No. 2.

*Copy of a Despatch from Lieutenant General Sir P. Maitland to the Right Honorable Wm. Huskisson.*

UPPER CANADA. }  
York, 29th March, 1828. }

SIR.—During the Session of the Legislature of this Colony, which has just terminated, a proceeding has taken place upon which I am compelled to solicit, very earnestly, the opinion of His Majesty's Government, that I may not be at a loss hereafter how to act under similar circumstances.

On the 16th instant, Colonel Givens, Superintendent of Indian Affairs, acting as head of the department in this Province, in the absence of the Deputy Superintendent General, who resides at Quebec, and Colonel Coffin, Adjutant General of the Militia, communicated to me officially, that they had been summoned to attend a Select Committee of the House of Assembly, and they submitted to me the letters which they had respectively received from the chairman of the Committee, requiring their attendance, copies of which accompany the Despatch.

It has been usual hitherto for the Assembly when they required information from any public department under the Government, or the attendance of any Civil Officer, to address the Lieutenant Governor on the subject, and I do not know that in any instance their request has not been complied with. In some cases, however, the request has been, in the first instance made to the officer whose attendance was desired, and who has obtained the leave of the Lieutenant Governor, before he attends the

Committee. The mode first mentioned has, however, generally prevailed, particularly during the last session, in the course of which I received three or four addresses for the attendance of different officers on Committees of the House.

Colonel Coffin, as Adjutant General of the Militia, is, in time of peace, the head of a department in the Civil Government, Colonel Givens is now, and has been for some time, acting as head of a department under the control of the Commander of the Forces. The former conceived he was following the proper and ordinary course in applying to me, as Lieutenant Governor, for permission to attend the Committee of the Assembly; the latter was led by a sense of duty to apply for the same purpose to me as Major General Commanding the Forces in the Province; and they severally sent to the Chairman of the Committee a communication of which I enclose a copy, informing him that they had applied for leave to attend.

For reasons which I shall presently explain, I thought it right to give to the application of these officers the answers which I enclose; they consequently did not attend, but acquainted the Chairman of the Committee that they were not permitted to do so. On the 23rd instant the Chairman of the Committee reported to the House of Assembly that Colonel Givens and Colonel Coffin had not attended, and the House avoiding any communication with me, directed Warrants against them to be issued by the Speaker, that they might be brought up in custody of the Serjeant at Arms. Of the intention to issue the Warrants the two officers were apprised, and as I did not think it proper that the government should interpose in that stage of the proceeding, they were directed entirely by the advice of the professional gentlemen whom they chose to consult. Acting under this advice, they declined voluntary submission to the Warrant, declaring that force must be resorted to, and intimating that if such force were used, they would prosecute the Speaker.

They were taken on the same day, the 22nd instant, having submitted without resistance, after the house, in which they were had been forcibly entered; and being brought to the bar of the Assembly, and charged with a contempt in not obeying the summons of the Chairman of the Select Committee, they stated in their vindication that they had applied for permission to attend, and had not received it, and Colonel Coffin read the letter which I had directed to be written to him in answer to his application. The resolution which is transmitted, was then moved and adopted in the House, 21 voting for it and 11 against it, after two amendments had been negatived.

The Speaker thereupon made his Warrants of which copies are transmitted, and Colonel Givens and Colonel Coffin were received in custody by the Sheriff the same evening, and remained in prison until the 25th instant, when the Legislature was prorogued in the ordinary course, and according to an intimation which I had given to the two Houses, through their Speakers, many days before.

The 23d March being Sunday, Colonels Givens and Colonel Coffin reported to me on Monday what had taken place in consequence

of their declining to attend the Select Committee, and I sent a message to the Assembly on the same day, of which I transmit a copy. No proceeding was had upon this Message, and you will perceive that in the speech with which I closed the session, and which I also send to you, I avoided mixing up this disagreeable occurrence with the general business of the Legislature. I chose rather to make it the subject of a separate Message, and to forbear in that Message to advance topics or employ language that might produce irritation, and unnecessarily implicate the feelings in a question which I look upon as exceedingly important.

Since the Session, Colonel Coffin has addressed to my Secretary a letter, of which I enclose a copy, I have referred to the Executive Council on the subject, and transmit their report in which I entirely concur.

I have thus laid before you the whole case, and I shall be most anxious to receive your opinion upon it: and in order that that opinion may, as much as possible, serve me for a direction in a very delicate, but important point of duty, I am desirous that it should be formed upon as general a view as can possibly be taken of the question.

I will refer to the Governors of other Colonies to learn what usage has obtained in them; but my belief is that in other Colonies as well as in this, it has been the practice for the Assembly to apply to the Governor by address, when information is wanted from any public department, or when the attendance of a public officer is desired.

When a Select Committee of the House of Assembly here desires the attendance of a member of the Legislative Council, or any officer or servant of that House the course uniformly pursued is to request it by Message, and not by directly summoning the individual. If courtesy leads to this practice, I see no reason why the same courtesy should not be extended to the third branch of the Legislature; and if it has prevailed rather from a sense of its necessity in order that the business of the Legislative Council may not be unreasonably interrupted by a compulsory abstraction of their members and officers, it seems to me that the same reason would apply with equal force, to the Executive Government, which is constantly in operation, and whose functions may be very inconveniently suspended, if without any reference to the head of a government, the principal of a department, or even subordinate officers can be withdrawn and detained at the pleasure of a Committee of the Assembly.

There are, however, other considerations which apply peculiarly to the Executive Government, and which, although they will not fail to occur readily to your mind, I feel it my duty to lay especially before you.

Few Sessions elapse in which the Assembly does not call upon the Government for information, which is sometimes granted and sometimes refused, according to the nature of the request. For instance, they have not unfrequently called for an account of the receipt and appropriation of the Casual and Territorial revenue of the Crown. My instructions are, not to comply with such a re-

quest until I have ascertained the purpose for which the information is desired, and have referred to the Secretary of State upon the subject; but if the Assembly can, without communicating with the Lieutenant Governor summon the Receiver General or the Inspector General of Accounts, or any of their Clerks, to attend a Select Committee and compel their attendance at the peril of imprisonment, the Government here or in England has no longer any discretion to exercise. Then with respect to the Military Service, it does not seem to me possible that a Select Committee of the Assembly can, for the purpose of enquiring, perhaps, into some alleged irregularity in a garrison, or want of discipline in a regiment, which they have nothing to do with, or for any other purpose compel the attendance of any Military Officer upon pain of imprisonment, and that his superior officer should have no discretion in granting or withholding permission, whatever may be the exigency of the service.

I should be most happy to learn what in such cases, is the usage of England, though it may by no means follow that the usage of Parliament there, is in all things, to be adopted here, or that it can be legally introduced and enforced.

The 31st Geo. III. will shew for what purposes the Legislature of this Province was constituted, and what powers are given to it. It has never been conceived that one of these powers was to prefer impeachments, because the Legislative Council has no power to entertain them or dispose of them. If therefore the professed object of any enquiry by a Select Committee is to ascertain the truth of a complaint against individuals, it is to be borne in mind how obviously and securely such an inquisition may be perverted to serve the purposes of faction, and may be made the instrument of the greatest oppression and abuse.

A select committee composed of members named at the request of a petitioner, receives an *ex parte* statement of a case; summons only such witnesses as it pleases, records their testimony, given without the sanction of an oath, and not under the restraint of any responsibility whatever. Upon this evidence a report is drawn in terms which gratify the malice of an individual, or answer the temporary purpose of an unprincipled faction, by aspersing the fairest characters among their opponents. The individual injured has no redress; he cannot prosecute the conspirators in a court of Law. The committee who manage the inquiry are not sworn as courts are to decide justly; and when they have made their report no ulterior proceeding is within the power of the party injured for vindicating his character; no impeachment can follow, and he cannot therefore obtain relief from the unjust accusation. The use of this engine for party purposes, has commenced in the present Assembly, but the length to which it has been carried in the last session, during the unfortunate absence of eight or nine members of the Assembly, has been quite an innovation, and one which I feel it my duty to bring, without loss of time, under the notice of His Majesty's Government.

Perhaps a stronger case could not well be imagined than that which has formed the ground work of the particular proceeding which I have described. A Mr. Forsyth, a person notoriously of indif-

character, had taken upon himself to enclose part of a public reserve of a chain in width along the bank of the River Niagara. My attention was particularly called to the circumstance by a petition from some of the inhabitants of the country, who complained of being thus shut out from the River by the illegal act of an individual. I directed the Commanding Engineer to survey the reserve along the river, and throw it open to the public. No one but Mr. Forsyth raised any objection. He was remonstrated with in vain; he was asked to remove his fences, but refused. He was told he should have men to assist him, but would not consent; and at length, without any personal violence being offered or threatened, the Engineer, with a fatigue party, threw down the fences. The Sheriff of the District was present. Mr. Forsyth brought actions of trespass against the Engineer Officer and the Sheriff, whom I have directed the Crown Officers to defend. He replaced his fences, and the Attorney General in consequence filed an information of intrusion against him, which he defended; and upon a full trial by a jury, a verdict was rendered for the Crown, thereby establishing the right which had been disputed. The civil actions, from an error in the Plaintiff's proceedings, are yet undecided, and while they are depending in the Courts of Law, Mr. Forsyth petitions the Assembly, complaining of what he terms a grievous outrage, in language calculated to influence public feeling, by describing the act as a lawless, high-handed exercise of military power. This petition is referred to a select committee. His counsel, in his proceedings at law for the same alleged injury, happening to be a member of the Assembly, is named upon the Committee, and upon the *ex parte* statement of his client and other witnesses, not on oath, frames a report in direct opposition to the verdict of one jury who have tried the point, and intended, as it must be supposed, to influence those verdicts which are yet to be rendered. This report when made becomes a public document, and finds its way into the public papers, and thus, upon a question of boundary and legal right which has yet to be tried, the parties have to encounter whatever weight a prejudice so excited can throw into the scale.

I am well aware that in England no such case could occur, because a sense of justice would prevent it; but when civil or military officers under my government are summoned in the mere hope that they may know something that may turn to account at the trial, and in order, it may be, to find out evidence to be made use of in a court of law, I feel it quite necessary that I should know whether, with or without permission from the Government, their attendance can be compelled.

You will confer upon me a great favor by putting me, as soon as may be convenient, in possession of your sentiments upon the matters stated in this Despatch, and I feel that the questions they involve are of the greatest moment to the administration of justice, and to the honor and stability of the Government.

I will not further swell this Despatch by the transmission of any official report from the Law Officers of the Colony on the subject to which it has reference, but will content myself with adding that

I have not failed to ascertain their opinion, which entirely agrees with the sentiments expressed in this letter.

I have, &c.

(Signed)

P. MAITLAND.

*Letter from B. C. Beardsley, Esquire, to Colonel Givens, Indian Department.*

COMMITTEE ROOM, COMMONS HOUSE OF }  
ASSEMBLY, 14th March, 1823. }

Whereas the House of Assembly have appointed a Committee to inquire into and report upon the petition of William Forsyth of Stamford, for inquiry into crime and outrage, with power to send for persons and papers, you are hereby required to attend the said Committee in the Committee Room of the House of Assembly at noon to-morrow.

(Signed)

B. C. BEARDSLEY, Chairman.

*Letter from Colonel Givens to B. C. Beardsley, Esq, Chairman*  
YORK, 15th March, 1823.

SIR,

I received your notice this morning to attend a Committee of the Honorable House of Assembly this day at noon, and in consequence thereof have made application to His Excellency the Major General Commanding for his permission for that purpose, but have not as yet received an answer thereto.

I have &c.

(Signed)

J. GIVENS,  
Supt. Indian Affairs.

*Letter from G. Hillier Esq. to Colonel Givens Indian Department.*

GOVERNMENT HOUSE, }  
York, 18th March 1823. }

SIR,

Having laid before the Lieutenant Governor and Major General Commanding, the summons which you had received to attend a Committee of the House of Assembly appointed to inquire into and report upon the petition of William Forsyth, I have received his commands to acquaint you that he cannot give the permission desired by you, not knowing what are the matters of which Mr. Forsyth complains, or what are the facts in regard to which it is desired to interrogate you.

I have &c.

(Signed)

G. HILLIER.



*B. C. Beardsley, Esq. to Nathaniel Coffin, Esq. Adjutant General of Militia.*

COMMITTEE ROOM COMMONS HOUSE OF )  
ASSEMBLY, 14th March, 1828. }

Whereas the House of Assembly has appointed a Committee to enquire into and report upon the petition of William Forsyth, of Stamford, for inquiry into crime and outrage with power to send for persons and papers, you are hereby required to attend the said Committee in the Committee Room of the House of Assembly at noon to-morrow.

(Signed) B. C. BEARDSLEY, Chairman.

*Letter from N. Coffin Esquire to B. C. Beardsley Esquire House of Assembly.*

ADJUTANT GENERAL'S OFFICE, )  
YORK, 15th March, 1828. }

SIR,

I received your notice this morning to attend a Committee of the Honorable House of Assembly this day at noon, and in consequence thereof have made application to His Excellency the Lieutenant Governor for his permission for that purpose, but have not as yet received an answer thereto.

I have &c.

(Signed) N. COFFIN,  
Adj. Gen. of Militia Upper Canada.

*Letter from N. Coffin Esq. to Major Hillier, Private Secretary, &c.*  
YORK, March 22d, 1828,

SIR,

I beg leave to request that you will state to the Lieutenant Governor that in obedience to the communication I received through you, that His Excellency could not give me permission to attend a Committee of the House of Assembly for the reasons therein stated, that I did not attend the said Committee, and that in consequence thereof, I have been committed this evening to the common jail of the Home District, by order of the House of Assembly: I have therefore to pray that His Excellency will be pleased to direct that I may have the advice and assistance of the Crown Officers, to enable me to take such steps as I may be instructed on the occasion.

I have &c.

(Signed) N. COFFIN,  
Adj. Gen. of Militia.

## IN COUNCIL.

3d April, 1828.

The Council having reviewed their report of the 26th March last, upon the subject of the within letter, respectfully beg leave to withdraw the same, and upon mature consideration, the Board cannot advise that the government should interpose to give any directions to the Crown Officers as within solicited.

## No. 3.

*Copy of a Despatch from Secretary Sir G. Murry, to Major General Sir John Colborne, &c. &c. &c.*

DOWNING STREET,  
20th October 1828. }

SIR,

I have the honor to acknowledge the receipt of Sir Peregrine Maitland's Despatch of the 29th of March last, detailing the proceedings of the House of Assembly of Upper Canada, against Colonel Coffin and Colonel Givins for contempt of the privileges of that House, in refusing to obey the summons of the Chairman of the Select Committee, and requesting instructions for his guidance under similar circumstances.

From the statement of the Lieutenant Governor, I am led to infer that there were adequate grounds for inquiry by the House of Assembly into the grievances complained of in Mr. Forsyth's petition, of having been dispossessed of lands in his occupation by a military force, acting under the express command of the Lieutenant Governor; and the chief reason adduced by the Lieutenant Governor for not allowing Colonels Givens and Coffin to attend the Committee is stated to have been that he did not know the nature of Mr. Forsyth's complaint, nor the facts in regard to which the evidence of the officer was required.

As no direct notification had been made to the Lieutenant Governor, in a certain technical sense, he did not know the nature of the complaint, yet as he must have inferred that the Committee proposed to examine these officers respecting the employment of a military force for ejecting Forsyth from the land, I cannot but consider that Sir Peregrine Maitland would have exercised a sounder discretion had he permitted the officers to appear before the Assembly: and I regret that he did not accomplish the object he had in view in preventing Forsyth's encroachments by means of the civil power, which is said to have been at hand, rather than by calling in military aid.

I have, &c.

Signed

G. MURRAY.

## No. 4.

*COPY of a Despatch from Mr. Secretary Stanley  
to Lieutenant General Sir P. Maitland, &c.  
&c. &c.*

DOWNING STREET, }  
20th June, 1833. }

SIR,—Certain papers having been moved for in Parliament, in which some part of your conduct as Lieutenant Governor of Upper Canada is animadverted upon. I have considered it due to you to refer these papers for your consideration, in order that you may have an opportunity of affording any explanation upon them which you may think necessary.

I am, &c.

Signed

E. G. STANLEY.

## No. 5.

*COPY of a Despatch from Lieutenant General  
Sir P. Maitland to Mr. Secretary Stanley.*

LONDON, June 24th, 1833.

SIR,

I have the honor to acknowledge, with thankfulness, the sense of justice which has led you to submit to me a Despatch from Sir George Murray, when Secretary of State, to Sir John Colborne, of 20th of October, 1823, previously to laying it before the House of Commons.

However strange the statement may appear, I was altogether unaware that such a document existed. By it, I am now for the first time, made acquainted with Sir George Murray's animadversions on certain acts of my government.

As my despatch of the 29th of March, 1828, on which the opinions of the then Secretary of State are grounded, was written expressly with the view of obtaining instructions on a very delicate and important question, and not for the purpose of giving a full detail of transactions, nor of justifying my measures, the propriety of which had not been called in question, circumstances were naturally omitted by me that would have been necessary for the latter objects, but not for that which I had principally in view.

I shall therefore avail myself of the opportunity you have offered me, to supply, as well as my memory will enable me at this this distant period of time, a few circumstances that seem to have been omitted, and that may tend to place those matters which have been commented on in a truer light.

Mr. Forsyth, an Inkeeper, having taken upon himself to enclose with a high fence a Government Reserve, consisting of a chain in width along the bank of the River Niagara, and which afforded

he public free access to the principal fall of the river. I was repeatedly solicited, by petition and otherwise, to cause the obstruction to be removed. In consequence of these solicitations I directed the officer of engineers who had charge of the reserved lands, to survey the government property near the Falls, and remove any obstruction that had been placed on it. These objects were carried by him into effect, with the assistance of three or four of his men, without arms, in their working dress, and with the temper and caution he was enjoined to observe.

In the suits instituted by Mr. Forsyth against the Officer of Engineers it was incumbent on the Plaintiff to establish one or two points to entitle him to a verdict, namely, that the defendant had done that which, by law, he was not authorised to do, or that in doing that which by law he was authorised to do, he had done unnecessary injury to the plaintiff's property or possession. Both these points were distinctly submitted to the jury, and both were determined against the plaintiff. Mr. Forsyth, therefore, no doubt regretted, as well as Sir George Murray, the manner in which this intrusion on the public property had been removed, of course, for reasons that did not lie in the same direction.

Can it be seriously believed, that had any other course been taken, Mr. Forsyth or his Counsel, would have found in it less cause for complaint, or have been less industrious in endeavouring to excite clamour about it! It is certain, however, that their efforts could not have been less successful.

After a verdict had been obtained for the Crown, and while the civil suit was pending against the Officer of Engineers, every attempt was made to prejudice the public mind. Mr. Forsyth petitioned the Assembly, complaining of what he termed a grievous outrage, describing the act as a lawless high handed exercise of military power. This petition was referred to a Select Committee, of which his counsel in the proceedings at law was appointed member and elected chairman, and on the *ex-parte* statement of his client, and other witnesses, not on oath, framed a Report in direct opposition to the verdict that had been rendered and intended, as it must be supposed, to influence that which was yet to be given.

This Report, when made, became a public document, and found its way into the public papers; and thus, upon a question of right, which had yet to be tried, the party had to encounter whatever weight a prejudice so excited could throw into the scale. The jury, however, gave their verdict for the defendant, as I have already stated.

It is rather singular, that nearly at the same time, an intrusion on the public property in the town of Washington, in the neighbouring Republic, had attracted attention. The obstruction in that case was removed by a party of the military, escorted by a company of soldiers fully armed. A circumstantial narrative of the occurrence was given in the papers of that country: but in no instance, I believe, accompanied by any expression of disapproval.

To proceed to Sir George Murray's observation, that I should have exercised a sounder discretion had I permitted Colonel's

Givins and Coffin to attend the Select Committee, I concur entirely with Sir George Murray in thinking that it would have been advisable to do so had the Committee, as was usual, applied to me to direct their attendance. It was very well known that they could give no more information respecting the alleged outrage complained of by Mr. Forsyth, than any military officers selected at random from any part of the Province. It was no wish to withhold information therefore, that influenced me in this matter, and I did not fail to take care that the Committee should have reason to be assured that, in the event of the usual application being made to me, the officers would be desired to attend.

It was scarcely therefore to be anticipated that the Assembly, so near the period which had been notified for the close of the Session, many members having already returned to their homes, would, without any previous communication made to me, be led to take the course which they adopted, a course so likely to be, as it actually was, attended with very general reprobation.

Sir George Murray remarks, that the chief reason adduced by me for not allowing the officers to attend the Committee is stated to have been that I did not know the nature of Forsyth's complaint, nor the facts in regard to which the evidence of those officers was required.

I stated this as a reason (not the chief reason) for it was calculated, if submitted to the Committee, to remind them that it had been usual, in similar cases, to apply to the Lieutenant Governor, and in doing so, to furnish him with information on certain points.

Before I acquiesced in the course which had been taken by the Committee, it doubtless became incumbent on me to consider well what might be the effect of my acquiescence at any future period. In doing so, it appeared to me that the security of the Colony, in the strongest sense of the term, would be affected, and that objections against the measure might be adduced as important as undeniable; but they were not, for obvious reasons, such as I could properly submit to the Assembly, or state in a despatch which would probably be submitted to that body. I am always ready to state them, if called upon by His Majesty's Government to do so.

It has of late years grown into a practice to submit the official correspondence had with the Colonial Office to the Legislature of the Colonies, if called for by them, unreservedly.

The Lieutenant Governor of a Colony must therefore necessarily exercise a greater degree of restraint than formerly, in addressing the Secretary of State. And if he cannot rely upon being met by so much consideration as will ensure to him the opportunity of offering explanations before his measures are condemned, he may justly despair of being able to render justice to the office he is entrusted with.

I regret that it should have been made necessary for me to trouble you with this long detail of transactions, which had long ceased to occupy my attention, and respecting which many circumstances have possibly escaped my recollection.....

I have, &c.

P. MAITLAND.

P. S.—The Attorney General of Upper Canada being in London, I requested him to give any information he could supply, respecting the lease granted by Messrs. Clark and Street, a matter alluded to in the Report of the Select Committee. My recollection of the circumstances accord with the statement made by Mr. Boulton, and I request that his letter may be considered as annexed to this communication. ....

P. M.

A Select Committee of the House of Assembly was appointed in Upper Canada in the Session of 1821 or 1822, to revise the Militia Laws of the Province, who were desirous of obtaining information on some points from the Adjutant General of Militia. This officer was consequently requested to attend the Committee without any previous application for leave to the Lieut. Governor. This, upon a suggestion to the Chairman of the Committee (the late Colonel Nichol of the Provincial Militia) was ascertained to be irregular, and consequently a formal request for leave to this Officer to attend was transmitted to the Lieutenant Governor, and of course promptly complied with, and this has been the constant practice in cases of this description (except that of Colonels Givins and Coffin) so far as my parliamentary experience extends.

(Signed)

C. A. HAGERMAN.

M. P. P. for Kingston, U. C.

21st June 1833.

*Letter from H. J. Boulton, Esquire to Lieutenant General Sir P. Maitland, K. C. B.*

MORLEY'S HOTEL,  
London, 24th June, 1833. }

SIR,

In reply to your inquiry respecting my recollection of the circumstances under which Messrs. Clark, and Street obtained a lease of part of the Military Reserve near the Falls of Niagara in 1827. I beg to acquaint you that the instrument under which these gentlemen hold those premises in question was drawn by me as Solicitor General of Upper Canada. Previous to their obtaining the lease, Messrs. Clark and Street had become lessees of the King's Ferry across the Niagara River, just below the Falls, and opposite to the property of a Mr. Forsyth, an innkeeper who had himself at one time been desirous of obtaining a lease of the Ferry. When they became lessees, this man, Forsyth, obstructed their enjoyment of it in every possible way, setting up, at the same place, a Ferry in opposition to theirs, and as was believed from a variety of circumstances, causing several of their boats to be destroyed. For these injuries, Clarke and Street brought actions at law against

Forsyth, in which I was their Counsel, and Mr. Rolph, Chairman subsequently of a committee of the Assembly, who reported upon a petition presented to that body by Forsyth, complaining of the Government for pretended injuries he had sustained through their interference, was Counsel for Forsyth. In these actions the Lessees clearly established their right, and two several juries at successive Courts, gave considerable damages against Forsyth for his disturbance of their right of ferry. The Crown also filed an information of intrusion against Forsyth for entering upon and assuming the property in the ground reserved for military purposes, and although he used all the means in his power to cause it to be believed that he was an oppressed man, and that the military were set in array against him, when in truth only two or three soldiers accidentally passing from one post to another, in their fatigue dresses, were employed as common labourers to remove obstructions he had caused; the jury, after remaining out several hours, returned a unanimous verdict for the Crown, thereby negating his right to the ground, and fully establishing that of the Crown, to the satisfaction of every respectable man in the neighbourhood. Under these circumstances, and for the purpose of preventing any persons from erecting any ferry-house, or keeping ferry boats on the shore, where Clark and Street had the right of ferry, for which they paid a large rent, and also to keep the ground open for the free access of the public which Forsyth had interdicted,—Clark and Street obtained an order for a license of occupation of that part of the reserve near the ferry, up and down the river. The object of granting this license was to protect the lessees in the proper enjoyment of their right of ferry, and to keep the shore open and free of access to the public, who had been shut out by Forsyth, unless they passed through his inn, which tended to create a monopoly for his house, and was felt as a serious nuisance by the public. Mr. Clark stated his reasons for wishing the lease to rae, and I prepared a lease, under the Great Seal, to him and his partner to hold, strictly during pleasure, at a pepper-corn rent. This instrument gave him a legal title to the possession—at the same time, from the uncertain period at which they could hold it, the Crown and public were fully protected in the enjoyment of the easement it was intended the latter should possess, that of free ingress, egress, and regress, to the Falls, as the Crown, from the terms of the lease, retained the power of putting an end to the tenure, should the confidence be abused which was placed in the lessees. They have, to my knowledge, acted hitherto in accordance with the expectations of the Government, and I am certain the grant to them has been productive of evil to no one, and was never intended to prejudice the rights even of Forsyth; and if he had not shewn the obdurate disposition which he so frequently and violently manifested, of obstructing the free use of the King's Ferry, and would he have permitted the ground in question to remain open, as it formerly had been, and unenclosed, I do not think that the grant to Clarke and Street would ever have been thought of, either by themselves or any one else. It was purely a measure of defence against this man's repeated aggressions.

I have, &c.

(Signed)

H. J. BOULTON.

*To His Excellency Sir John Colborne, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

We, Your Excellency's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency would be pleased to transmit to England, and favorably to recommend to His Majesty's Government, the Report herewith presented to Your Excellency of a Select Committee of this House appointed to enquire into the claim preferred in the present and former Sessions of the Legislature, by Mr. William Forsyth, of Bertie, Yeoman, late proprietor of the Niagara Falls Estate, to compensation for injury and damage done him, under the authority and by the command of the Officer lately commanding the Forces in this Province. We are of opinion that Mr. Forsyth has fully proved that he sustained damage, and that his case is an aggravated one, deserving the early and favorable consideration of His Majesty's Government.

MARSHALL S. BIDWELL, Speaker.

*Commons House of Assembly, }  
2d day of April, 1835. }*

ANSWER.

GENTLEMEN,

I will transmit this address and report to the Secretary of State for the Colonies.

The opinion of the Law Officers of the Crown that the intrusion on the Military Reserve near the Falls was an iniquitous proceeding; and that the intruders should be again prosecuted, will prevent my complying with the request of the House, in respect to a favorable recommendation to His Majesty's Government of the case of Forsyth.

The opinion of the Attorney General is expressed in this extract of his report on the case:

*Extract from the Report of the Attorney General on the case to which the Petition of Wm. Forsyth has reference dated 4th February, 1835.*

"So far from entertaining any doubt as to the right of the Crown to the Reserve in question, I am convinced that the claim now set up by Clark & Street is an unrighteous one, and unless it shall appear to the Executive Government, for any reason not at present apparent, to be inexpedient, it is my intention to proceed against those gentlemen by the formation of intrusion, which I was, for the reason I have just stated, obliged to withdraw."



## SUNDRY BILLS

PASSED BY THE HOUSE OF ASSEMBLY DURING  
THE 1st SESSION 12th PARLIAMENT, AND  
LOST IN THE LEGISLATIVE COUNCIL.

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### *An Act to amend the Charter of King's College.*

WHEREAS His late Majesty, George the Fourth, was graciously pleased, by letters patent at Westminster, on the 15th day of March, in the eighth year of his reign, to establish at or near the Town of York, now City of Toronto, a College, with the style and privileges of an University, for the education and instruction of youth and students in arts and faculties, to be called "King's College;" which charter is in the following words:—

*"GEORGE THE FOURTH, by the Grace  
of GOD, of the United Kingdom of Great  
Britain and Ireland, King, Defender of the  
Faith, &c. &c. &c.*

*"TO ALL WHOM THESE PRESENTS SHALL COME—Greeting :*

WHEREAS the establishment of a College within our Province of Upper Canada, in North America, for the education of youth in the principles of the Christian religion, and for their instruction in the various branches of science and literature which are taught in our Universities in this Kingdom, would greatly conduce to the welfare of our said Province; AND WHEREAS humble application has been made to us by many of our loving subjects of our said Province, that we would be pleased to grant our Royal charter for the more perfect establishment of a College therein, and for incorporating the members thereof for the purposes aforesaid. NOW KNOW YE, That we, having taken the premises into our Royal consideration, and duly weighing the great utility and importance of such an institution, have,

of our special grace, certain knowledge, and more motion, ordained and granted, and do by these presents, for us, our heirs and successors, ordain and grant, that there shall be established at or near the Town of York in our said Province of Upper Canada, from this time, one College, with the style and privileges of an University as hereinafter directed, for the education and instruction of youth and students in arts and faculties, to continue for ever, to be called 'King's College.'

"And we do hereby declare and grant, that our trusty and well beloved the Right Reverend Father in God, Charles James, Bishop of the Diocese of Quebec, or the Bishop for the time being of the Diocese in which the said Town of York may be situate, or any future division or alteration of the said present Diocese of Quebec, shall for us and in our behalf be the Visitor of the said College; and that our trusty and well beloved Sir Peregrine Maitland, our Lieutenant Governor of our said Province, or the Governor, Lieutenant Governor or other person administering the Government of our said Province for the time being, shall be Chancellor of our said College.

"And we do hereby declare, ordain, and grant, that there shall at all times be one President of our said College, who shall be a Clergyman in Holy Orders of the United Church of England and Ireland; and that there shall be such and so many Professors in different arts and faculties within our said College as from time to time shall be deemed necessary or expedient, and as shall be appointed by us or by the said Chancellor of our said College, on our behalf, and during our pleasure.

"And we do hereby grant and ordain that the Reverend John Strachan, Doctor in Divinity, Archdeacon of York, in our said Province of Upper Canada, be the first President of our said College, and the Archdeacon of York in our said Province, for the time being, shall, by virtue of such his office, be at all times the President of the College.

"And we do hereby, for us our heirs and successors, will ordain and grant that the said Chancellor and President, and the said Professors of our said College, and all persons who shall be duly matriculated into and admitted as scholars of our said College, and their successors for ever, shall be one distinct and separate body, politic and corporate, in deed and in name, by the name and style of "the Chancellor, President, and Scholars of King's College at York, in the Province of Upper Canada," and that by the same name they shall have perpetual succession and a common seal; and that they and their successors shall, from time to time, have full power to alter, renew, or change such common seal at their will and pleasure, and as shall be found convenient; and that by the same name they the said Chancellor, President, and Scholars, and their successors from time to time and at all times hereafter shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain, to and for the use of the said College, any messuages, lands, tenements and hereditaments of what kind, nature, or quality soever, situate and being within our said Province of Upper Canada, so as the same

do not exceed in yearly value the sum of £15,000 above all charges; and moreover to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all or any goods, chattels, charitable or other contributions, gifts or benefactions whatsoever.

“ And we do hereby declare and grant that the said Chancellor, President, and scholars and their successors by the same name shall and may be able and capable in law to sue, and be sued, implead and be impleaded, answer and be answered, in all or any court or courts of record within our United Kingdom of Great Britain and Ireland, and our said Province of Upper Canada and other our dominions; in all and singular actions, causes, pleas, suits, matters and demands whatsoever of what nature or kind soever in as large, ample, and beneficial a manner and form as any other body politic or corporate, or any other our liege subjects, being persons able and capable in law, may or can sue, implead or answer, or be sued, impleaded or answered, in any manner whatsoever.

“ And we do hereby declare, ordain, and grant that there shall be within our said college or corporation, a council, to be called and known by the name of “The College Council;” and we do will and ordain that the said Council shall consist of the Chancellor, President for the time being, and of seven of the professors in arts and faculties of our said College, and that such seven professors shall be members of the Established United Church of England and Ireland, and shall previously to their admission into the said College Council, severally sign and subscribe the thirty nine articles of religion, as declared and set forth in the book of common prayer. And in case at any time there should not be within our said College seven professors of arts and faculties, being members of the Established Church aforesaid, then our will and pleasure is, and we do hereby grant and ordain that the said College Council shall be filled up to the requisite number of seven, exclusive of the Chancellor and President for the time being, by such persons, being graduates of our said college and being members of the Established Church aforesaid, as shall for that purpose be appointed by the Chancellor for the time being of our said College; and which members of Council shall in like manner subscribe the thirty nine articles aforesaid, previously to their admission into the said College Council.

“ And whereas it is necessary to make provision for the completion and filling up of the said council at the first institution of our said College, and previously to the appointment of any professors or the conferring of any degrees therein. Now we do further ordain and declare that the Chancellor of our said College for the time being shall upon or immediately after the first institution thereof, by warrant under his hand, nominate and appoint seven discreet and proper persons, resident within our said Province of Upper Canada, to constitute jointly with him the said Chancellor, and the President of our said College for the time being, the first or original council of our said College, which first or original members of the said council shall in like manner

respectively, as before the thirty-nine Articles aforesaid, previously to their admission into the said Council.

" And we do further declare and grant that the members of the said College Council, holding within our said College the offices of Chancellor, President or Professor in any art or faculty, shall respectively hold their seats in the said Council so long as they and each of them shall continue in the said offices as aforesaid & no longer; and that the members of the said Council not holding offices in our said College, shall from time to time vacate their seats in the said Council when and as soon as there shall be an adequate number of Professors in our said College, being members of the Historical Council aforesaid to add up the said Council to the requisite number before mentioned.

" And we do hereby authorize and empower the Chancellor for the time being of our said College, to decide in each case what particular member of the said Council not holding any such office as aforesaid shall vacate his seat in the said Council upon the admission of any new member of Council holding any such office.

" And we do hereby declare and grant that the Chancellor, for the time being of our said College, shall preside at all meetings of the said College Council, when he may deem it proper or convenient to attend, and that in his absence, the President of our said College shall preside at all such meetings; and that in the absence of the President the senior member of the said Council present at any such meeting shall preside thereat, and that the seniority of the members of the said Council, other than the Chancellor and President shall be regulated according to the date of their respective appointments: *Provided always* that the members of the said Council being Professors in our said College, shall in the said Council take precedence over and be considered as senior to the members thereof, not being Professors in our said college.

" And we do ordain and declare that no meeting of the said Council shall be, or be held to be a lawful meeting thereof, unless five members at the least, be present during the whole of every such meeting; and that all questions and resolutions proposed for the decision of the said College Council, shall be determined by the majority of the votes of the members of the Council present, including the vote of the presiding member; and that in the event of an equal division of such votes, the member presiding at any such meeting shall give an additional or casting vote.

" And we further declare that if any member of the said Council shall die or resign his seat in the said Council, or shall be suspended or removed from the same, or shall, by reason of any bodily or mental infirmity, or by reason of his absence from the said Province, become incapable for three calendar months or upwards, of attending the meetings of the said Council, then and in every such case, a fit and proper person shall be appointed by the said Chancellor to act as, and be a member of the said Council in the place or stead of the member so dying or resigning or so suspended or removed, or incapacitated as aforesaid; and such

new member succeeding to any member so suspended or incapacitated shall vacate such his office on the removal of any such suspension or at the termination of any such incapability as aforesaid, of his immediate predecessor in the said council.

“ And we do further ordain and grant, that it shall and may be competent to and for the Chancellor for the time being of our said college, to suspend from his seat in the said council, any member thereof, for any just and reasonable cause to the said Chancellor appearing; provided that the ground of every such suspension shall be entered and recorded at length by the said Chancellor in the books of the said Council, and signed by him; and every such person so suspended shall thereupon cease to be a member of the said Council, unless and until he shall be restored to and re-established in such his station therein, by any order to be made in the premises by us or by the said visitor of our said College, acting on our behalf, and in pursuance of any special reference from us.

“ And we do further declare that any member of the said Council who, without sufficient cause to be allowed by the said Chancellor by an order entered for that purpose on the books of the said Council, shall absent himself from all the meetings thereof which may be held within any six successive calendar months, shall thereon vacate such his seat, in the said council.

“ And we do by these presents, for us, our heirs and successors, will, ordain, and grant that the said Council of our said College shall have power and authority to frame and make statutes, rules and ordinances, touching and concerning the good government of the said College, the performance of Divine service therein, the studies, lectures, exercises, degrees in arts and faculties, and all matters regarding the same, the residence and duties of the President of our said College, the number, residence, and duties of the Professors thereof, the management of the revenues and property of the said College, the salaries, stipends, provisions and emoluments, of and for the President, Professors, Scholars, Officers, and Servants thereof; the number and duties of such Officers and Servants, and also touching and concerning any other matter or thing which to them shall seem good, fit, and useful for the well-being and advancement of our said College, and agreeable to this our Charter — And also from time to time, by any new statutes, rules or ordinances, to revoke, renew, augment, or alter all, every, or any of the said statutes, rules and ordinances, as to them shall seem meet and expedient: *Provided always*, that the said statutes, rules and ordinances, or any of them, shall not be repugnant to the laws and statutes of the United Kingdom of Great Britain and Ireland, or of our said Province of Upper Canada, or to this our Charter. *It is likewise*, that the said statutes, rules and ordinances, shall be subject to the approbation of the said Visitor of the said College for the time being, and shall be forthwith transmitted to the said Visitor for that purpose, and that in case the said Visitor shall for us and in our behalf in writing, signify his disapprobation thereof within any year of the time of their being so made and framed, the same or such part thereof as shall be so disapproved by the said Visitor, shall, from

the time of such disapprobation being made known to the said Chancellor of our said College, be utterly void and of no effect, but otherwise shall be and remain in full force and virtue.

“ *Provided nevertheless*, and we do hereby expressly save and reserve to us, our heirs and successors, the power of reviving, confirming, or reversing, by any order or orders to be by us or them made in our or their Privy Council, all or any of the decisions, sentences, or orders so to be made as aforesaid by the said Visitor, for us and on our behalf in reference to the said statutes, rules and ordinances, or any of them.

“ And we do farther ordain and declare that no statute, rule or ordinance, shall be framed or be made by the said College Council, touching the matters aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Council by the Chancellor for the time being of our said College.

“ And we do require and enjoin the said Chancellor thereof to consult with the President of our said College, and the next senior member of the said College Council, respecting all statutes, rules and ordinances, to be proposed by him to the said Council for their consideration.

“ And we do hereby, for us, our heirs and successors, charge and command, that the statutes, rules and ordinances aforesaid, subject to the said provisions, shall be strictly and inviolably observed, kept and performed from time to time in full vigor and effect, under the penalties to be thereby or therein imposed or contained.

“ And we do further will, ordain and grant, that the said College shall be deemed and taken to be an University, and shall have and enjoy all such and the like privileges as are enjoyed by our Universities of our United Kingdom of Great Britain and Ireland, as far as the same are capable of being had or enjoyed by virtue of these our letters patent; and that the students in the said College shall have liberty and facility of taking the degrees of Bachelor, Master & Doctor in the several arts and faculties at the appointed times, and shall have liberty within themselves of performing all scholastic exercises for the conferring such degrees, in such manner as shall be directed by the statutes, rules, and ordinances of the said College.

“ And we do farther will, ordain and appoint, that no religious test or qualification shall be required of or appointed for any persons admitted or matriculated as scholars within our said College, or of persons admitted to any degree in any art or faculty therein, save only that all persons admitted within our said College to any degree in divinity, shall make such and the same declarations and subscriptions, and take such and the same oaths as are required of persons admitted to any degree in Divinity, in our University of Oxford.

“ And we do further will, direct and ordain, that the Chancellor, President, and Professors of our said College, and all persons admitted therein to the degree of Master of Arts, or to any degree in Divinity, Law or Medicine, and who from the time of such their admission of such degree, shall pay the annual sum of Twenty Shillings, sterling money, for and towards the support and maintenance of the said College, shall be and be deemed, taken, and reputed to be the members to the Convocation of the said University, and as such members

of the said Convocation, shall have, exercise, and enjoy all such and the like priviledges as are enjoyed by the members of the Convocation of our university of Oxford, so far as the same are capable of being had and enjoyed by virtue of these our letters patent and consistently with the provisions thereof.

“ And we will, and by these presents, for us, our heirs and successors, do grant and declare, that these, our letters patent, or the enrolment or exemplification thereof, shall and may be good, firm, valid, sufficient, and effectual in the Law, according to the true intent and meaning of the same; and shall be taken, construed, and adjudged in the most favorable & beneficial sense for the best advantage of the said Chancellor, President & Scholars of our said College, as well in our Courts of Record as elsewhere, and by all and singular Judges, Justices, Officers, Ministers and other subjects whatsoever, of us, our heirs, and successors, any mis-recital, non-recital, omission, imperfection, defect, matter, cause, or thing whatsoever to the contrary thereof in any wise notwithstanding.”

AND WHEREAS his present Majesty, WILLIAM THE FOURTH, has been graciously pleased to signify through His Majesty's Principal Secretary of State for the Colonies, Earl Ripon, by his despatch of the 5th of November, 1832, communicated to the Legislature by His Excellency, by message, that so far from any anxiety having been felt by His Majesty's Government to maintain the said Charter against the wishes of the great majority of the people, every possible measure has been taken to refer to their representatives the decision of the question in what form and upon what principles the said College should be founded.

*Be it &c.*, That from and after the passing of this Act the said University shall be upon the principle and in the form hereinafter provided, any thing in the said charter to the contrary notwithstanding: *Provided always*, That the said Charter shall be and continue in full force except so far as it is altered and varied by the provisions of this Act.

2. *And be it &c.*, That from and after the passing of this Act, it shall not be necessary for the President of the said University to be a Clergyman in holy orders of the United Church of England and Ireland, any thing in the said Charter to the contrary notwithstanding.

3. *And be it &c.*, That from and after the passing of this Act, the Archdeacon of York, now City of Toronto, for the time being, shall not by virtue of his office of Archdeacon, be at all times President of the said University, any thing in the said Charter to the contrary notwithstanding.

4. *And be it &c.*, That from and after the passing of this Act, the Professors of the said College and the Council thereof, shall not be required to be members of the said Established United Church, or to subscribe the thirty nine articles thereof, any thing in the Charter to the contrary notwithstanding.

5. *And be it &c.*, That there be at all times as many Professors, Tutors, and Lecturers, in the different arts and faculties in the said College as from time to time shall be deemed necessary or expedient, and as shall be appointed in the manner herein after provided and

in no other manner, any thing in the said charter to the contrary notwithstanding.

6. *And be it enacted*, That there shall be within the said College in the place and stead of the Council in the said Charter mentioned, a Council to be called and known by the name of the Council of King's College, which Council shall consist of twelve persons, one half of the number of which persons shall be nominated by the Legislative Council, and the other half by the House of Assembly, which persons so nominated shall be confirmed by the respective Houses to the Governor, Lieutenant Governor, or person administering the Government, for the time being, and shall hold their office for four years from the date of such nomination and thence until the then next Session of the Provincial Parliament, and no longer.

7. *And be it enacted*, That if any member of the said Council shall die or shall be suspended or removed from his said office, or shall by reason of any bodily or mental infirmity, or by reason of his absence from the said Province, become incapable for six calendar months or upwards, of attending the meetings of the said Council then and in every such case, a fit and proper person shall be appointed by the rest of the said Council to act and be as a member of the said Council in the place and stead of the number so dying or so suspended or removed or incapacitated as aforesaid, and the appointment of such new member of the said Council shall be communicated to the Provincial Legislature through the Governor, Lieutenant Governor or person administering the Government for the time being, at their next Session, and it shall and may be lawful for that branch of the Legislature by which the person so dying or suspended or removed or incapacitated as aforesaid was appointed either to confirm the said temporary appointment made by the said Council as aforesaid, or to appoint another, as such branch of the Legislature shall think fit.

8. *And be it enacted*, That no meeting of the Council shall be taken or held to be a lawful meeting thereof nor any question be taken except by adjournment, unless nine members at the least be present and that all questions & resolutions proposed for the decision of such College Council, shall be determined by the majority of the members of the Council present, including the vote of the presiding member, and that in the event of an equal division of such votes, the member presiding at any such meeting shall give an additional or casting vote.

9. *And be it, &c.* That any member of the said Council may at any time be suspended or removed by a joint resolution of the two branches of the Provincial Legislature.

10. *And be it, &c.* That it shall and may be lawful for the said Council of the said College from time to time to nominate and elect so many Professors, Tutors, and Lecturers in the several arts, sciences, and matters of learning, as to them shall seem fit and necessary for the system of education in the said College.

11. *And be it, &c.* That the President, Professors, Tutors, Lecturers, Graduates, and <sup>or</sup> Graduates, Scholars, Officers and Servants of the said College, and every person holding any situation of honor or trust in the same, shall be subject to all and every of the rules and ordinances of the said College, made and provided according to this Act.



12. *And be it, &c.* That the said Council of said College shall have power and authority to propose, frame, and make rules and ordinances touching and concerning the peace, welfare, and good government of the said College, the studies, lectures, exercises, and degrees in arts and faculties, and all matters relating to the same; the duties of the President of the said College, the number, remuneration, and duties of the Professors, Tutors and Lecturers thereof, the management of the revenues and property of the said College, the salaries, stipends, provision and emoluments of and for the President, Professors, Tutors, Lecturers, Scholars, Officers, and Servants thereof, the number and duties of such Officers and Servants; and also touching and concerning any other matter or thing which to them shall seem good, fit, and useful for the well-being and advancement of the said College, and also from time to time by any new rules or ordinances to revoke, renew, augment, or alter all, every or any of the said rules and ordinances as to them shall seem meet and expedient: *Provided always*, That the said rules and ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the said Province of Upper Canada or to this Act: *Provided also*, That the said rules and ordinances shall be subject to the approbation of the Chancellor of the said College for the time being, and shall be forthwith transmitted to the said Chancellor for that purpose, any thing in the said Charter to the contrary notwithstanding.

13. *And be it, &c.* That no religious test or qualification whatever shall be required of or appointed for any persons admitted or matriculated as scholars within the said College, or of persons admitted to any degree in any art or faculty therein, whether such degree be conferred in Law, Physic, or other Art or Science, any thing in the said charter to the contrary notwithstanding.

14. *And be it, &c.* That the members of the said Council and their successors forever shall be one distinct and separate body politic and corporate in deed and in name by the name and style of King's College, and that by the same name they shall have perpetual succession and a common seal; and that they and their successors shall from time to time have full power to alter, renew or change such common seal at their will and pleasure, as shall be found convenient; and that by the same name they, the said Council, and their successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy, and maintain, to and for the use of the said College, any messuages, lands, tenements and hereditaments of what kind, nature, or quality whatsoever, situate and being within the said Province of Upper Canada, and moreover to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all or any, goods, chattels, charities, or other contributions, gifts, or benefactions whatsoever; and that the said Council and their successors, by the same name, shall and may be able and capable in law to sue, and be sued, implead and be impleaded, answer and be answered, in all or any Court or Courts of Record within the said Province of Upper Canada in all and singular actions, causes, pleas, suits, matters and demands whatsoever, of what nature, or kind soever, in as large, ample and beneficial a manner and form as any other body politic and corporate, or any other persons able and capable in Law may or can sue, implead or answer, or be sued, impleaded, or answered in any manner whatsoever; any thing in the said charter to the contrary notwithstanding.

15. *And be it, &c.* That all monies received by the said corporation from the sale of any goods or lands, or from grants from the crown or legislature, or contributions, gifts or benefactions whatsoever, shall be invested by the said Council so as to produce an annual income, and that the annual income arising therefrom, and no more shall be expended by the said Council in furtherance of the objects of the said corporation, and provided that whenever the annual income aforesaid together with such sum or sums as may accrue from the leasing of any of the lands with which the said College has been or may be endowed shall exceed six thousand pounds over and above scholarships the surplus over and above the said sum of six thousand pounds shall be paid into the hands of His Majesty's Receiver General of this Province to be at the disposal of the Legislature for the promotion of education by the erecting and endowing of Free Grammar Schools in the several Districts in this Province.

16. *And be it, &c.* That it shall and may be lawful for the Council of the said University to suspend from his office the President, or any of the Professors, Tutors, or Lecturers, or any members of the said Council, who shall be incapacitated by bodily infirmity, or for any other just and reasonable cause to the said Council appearing: provided that the grounds of every such suspension shall be recorded in writing, and verified on oath of two or more credible and disinterested witnesses, and be entered and recorded at length on the journals of the said Council, and be signed by the Chancellor or President of the said Council.

17. *And be it, &c.* That every person so suspended shall thereupon cease to be a member of such Council, or President of the said University, or a Professor, Tutor, or Lecturer within the same, as the case may be, unless and until he shall be restored to and re-established in such his station therein, by any order to be made in the premises by that branch of the Legislature by which such member was appointed.

18. *And be it, &c.* That it shall and may be lawful for the Council of the said College from time to time to establish scholarships in the said College for the benefit of the pupils of the District Schools in this Province; Provided that the amount of each scholarship shall not exceed the annual value of Fifty Pounds per annum.

19. *And be it, &c.* That it shall and may be lawful for the said College Council, and all persons whatsoever attached to the said College, and they are hereby required at all times without reserve to lay before the several branches of the Legislature of this Province whatever information shall be by them, or either of them, from time to time required relating in any way whatever to the said College and the concerns thereof.

20. *And be it, &c.* That whenever any rule or rules, ordinance or ordinances, shall be passed by the said Council as aforesaid containing any provisions which shall in any manner relate to or affect the enjoyment or exercise by the Professors, Tutors, Lecturers, Scholars, Graduates, under Graduates, Students, Servants or others, whomsoever, connected with the said College, of any religious form or mode of worship, or in any way whatever prevent or restrain them or any of them from attending on the Sabbath whatever place of religious worship they choose, or shall impose or create any penalties, burthens, disabilities or disqua-

fications, or confer any peculiar or exclusive favours or privileges in respect of the same; or shall in any manner relate to or affect the observance of any rules or discipline appertaining to any church or society of christians to which any of the persons aforesaid may belong; every such rule or rules, ordinance or ordinances, shall not have any force or effect whatever till the same shall have been laid before the three branches of the Provincial Legislature, and shall, after having been so laid before them and each of them for the space of ten days receive the sanction thereof.

*And be it, &c.* That it shall and may be lawful for the said Council and they are hereby required to meet in the said College at Toronto, and for the periods following namely, commencing eight days previous to the meeting of the Legislature in each and every year, and ending on the eighth day following the said meeting of the Legislature: at which stated time and at no other, it shall and may be lawful for the said Council to do, perform and execute all the duties and trusts imposed by this act, or by any rule or ordinance of the said College, made under and by virtue of this act.

21. *And be it, &c.* That it shall and may be lawful for each of the members of the said Council while in the active discharge of his said duties at the periods aforesaid, to have and receive from and out of the funds of the said College, the sum of ten shillings lawful money of Upper Canada and no more for every day's actual attendance during the said weeks, and the like sum for every twenty miles in travelling to the said College and returning therefrom to his place of residence.

23. *And be it, &c.* That it shall and may be lawful for any member of the said Council to tender his resignation during any session of the Provincial Legislature, to that branch thereof by which he was nominated and appointed, and upon the acceptance of such resignation, such person shall cease to be a member of such Council, and it shall thereupon be lawful for the said branch of the Provincial Legislature accepting such resignation forthwith to nominate and appoint another person to be a member of the said Council in the place and stead of the person so resigning as aforesaid.

24. *And be it, &c.* That if any Professor, Tutor, Lecturer, or other person elected by the said Council, to any Professorship, Tutorship, Lectureship or other station in the said College shall die in the interval between the annual meetings of the said Council, it shall and may be lawful for the various Professors, Tutors and Lecturers who have been elected by the said Council to appoint a fit and proper person to discharge the duties of the said Professor, Tutor or Lecturer, so deceased, till the next meeting of the said Council and no longer.

25. *And be it, &c.* That it shall and may be lawful for the said Council, at their appointed meetings, and they are hereby required to keep at every such meeting, a Journal of their proceedings, specifying the day and hour of assembling, the names of the members of the Council in attendance, the resolutions and matters proposed, with the names of the members voting for and against each resolution and matter whether the same be rejected or adopted by the said Council, which record or journal of the said proceedings of the said Council shall at all reasonable times be open at the said College, to the inspection of the visitor, Chancellor, and other members of the said College, and be laid before the several branches of the Provincial Legislature whenever by them or either of them required so to do.

26. *And be it, &c.* That no religious test or qualification whatever shall be required of any Chancellor, President, Professor, Tutor,

Lecturer, Scholar, or other Person being a candidate for any situation or honour in the said College, nor shall the eligibility of any person to any of the aforesaid stations in the said College, or to any other station that may hereafter be created, be in any way or degree dependent upon or regulated, affected or prejudiced by the particular faith of any such candidate, any thing in the said charter to the contrary notwithstanding.

27. *And be it, &c.* That from and after the passing of this Act, there shall not at any time, be, or be allowed to be within the said College any public professor, lecturer or teacher of doctrinal divinity, according to the articles of faith professed by the United Church of England and Ireland or according to the creed or faith of any other christian, or other religious church whatever, any thing in the said charter to the contrary in any wise notwithstanding; and it shall not be lawful for the said Council to apply any of the funds now or at any time hereafter belonging to the said University, to the support of any public professor, lecturer or teacher, of such divinity: *Provided always*, That nothing in this act shall extend or be construed to extend, to prevent the students and members of the said University by themselves or their parents, guardians, or friends, from engaging private tutors for their private instruction in divinity or in any other art or science within the said College.

28. *And be it, &c.* That it shall and may be lawful for any member of the said Council to administer any oath required by this act, and any person convicted before any court of competent jurisdiction in this Province, of wilful and corrupt false swearing under any oath administered as aforesaid, shall be deemed and taken to be guilty of perjury, and shall be liable to the like punishment as can be inflicted by the laws of this Province for perjury.

29. *And be it, &c.* That upon a vacancy occurring in the office of the President of the said College, by the death or resignation of the present President thereof, the said situation shall be filled in all times to come by the Council of the said College, any thing in the Charter of the said College to the contrary thereof, in any wise notwithstanding.

30. *And be it, &c.* That the visitor of said College shall be appointed by the Council thereof, any thing in the said Charter to the contrary notwithstanding.

(Signed) MARSHALL S. BIDWELL,

*Speaker.*

Passed Commons House of Assembly, }  
2nd day of April, 1835. }

“ On the question for passing the Bill, the Yeas and Nays were as follows:—

YEAS,

Brown,	M'Kay,
Bruce,	Mackenzie,
Caldwell,	Malloch,
Chisholm,	Merritt,
Cook,	Morris,
Cornwall,	Parke,
Duncombe, [of Oxford]	Perry,
Duncombe, [of Norfolk]	Rymal,
Durand,	Shaver,
Gibson,	Small,

Gilchrist,  
Hopkins,  
Lount,  
M'Crae,  
M'Donell, [of Glengarry?]  
M'Donell, [of Stormont]  
M'Intosh,

Walsh,  
Waters,  
Wells,  
Wilson,  
Woolverton,  
Yager—33.

“NAYS,

Gowan,  
Macnab,  
Richardson,

Robinson,  
Wilkinson—5.”

Truly extracted from the Journals of the Assembly of Upper Canada of the 2nd day of April, 1835.

(Signed)

JAMES FITZGIBBON,

*Clerk of Assembly.*

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*An Act to promote Education.*

**W**HEREAS it is necessary to make more ample provision for the Teachers of the Common Schools, and to provide means to enable some of the most talented youth in the Province to pursue their studies in the higher Seminaries of learning which are now, or may hereafter be established in this Province: *Be it therefore enacted, &c.* That the ninth clause of an Act passed in the fifty-sixth year of the reign of His late Majesty King George the Third entitled, “An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the regulations of said Common Schools,” be and the same is hereby repealed.

2. *And be it further enacted, &c.* That it shall and may be lawful for the inhabitant householders of each and every Township in this Province, at the Town meeting to be held on the first Monday of January in each and every year, to nominate and appoint three fit and proper persons to be Superintendents of Schools in the Township for the year in which they shall be so appointed.

3. *And be it further enacted, &c.* That it shall be the duty of such Superintendents to appoint a time and place in the Township for which they shall have been chosen, where all Scholars are to attend who may consider themselves to have made such progress in learning as to qualify them to become candidates for the superior Schools; and the said Superintendents shall, from among the Scholars so assembled, select three of the most talented and promising, who are to be candidates for admittance into the District School, or such

other seminaries of learning which are now or may hereafter be established in this Province.

4. *And be it further enacted, &c.* That the different Superintendents in each and every Township shall, at their first meeting to be held before the first day of June in each and every year, nominate and appoint a fit and proper person to be a member of the Board of Education; and that the several members hereby appointed in each and every District shall constitute and form the Board of Education for such District.

5. *And be it further enacted, &c.* That the Board of Education hereby established for each and every District of this Province shall meet on the Monday of the week in which the Court of General Quarter Sessions for such District is to be held in the month of July, and at the place where the said Court is to be held, and in the month of June in such places where the Quarter Sessions is held in June, and then and there appoint their Chairman, and transact such business as the laws of this Province authorise the present Board of Education to do; that three members be a quorum, and that such members as attend be entitled to ten shillings per diem, provided the number of days does not exceed three.

6. *And be it further enacted, &c.* That so soon as the Board of Education in each District shall consider it advisable they may, before assigning to the Teachers their annual salaries, reserve a sufficient sum for paying the boarding and tuition at the District School, or other seminary to be selected by the said Board, of such select number of scholars from each county, not exceeding eight, as shall be chosen by such members of the Board of Education as shall have been appointed in the different Townships of such County.

7. *And be it further enacted, &c.* That so soon as the Board of Education in each and every District in this Province shall find that the state of the funds will admit of it, they may set aside a sufficient sum to pay the boarding, tuition and wearing apparel, of one or more select Student or Students from each County, in order to enable him or them to pursue his or their studies in the higher seminaries of learning, such Student or Students to be chosen by such members of the Board of Education as are appointed by such County.

8. *And be it further enacted, &c.* That no Student sent either to a District School, or any other Seminary of learning, shall be recalled in a shorter period than three years, unless such members of the Board of Education as reside in the County from which such Student shall have been sent will unanimously agree.

9. *And be it further enacted, &c.* That the Board of Education in each and every district, shall, at its Meeting in the months of June or July, appoint a time and place in each county where all Schoolmasters of such county shall attend to be publicly examined by the Master of the District School, aided by such Members of the Board of Education as reside in such county.

10. *And be it further enacted, &c.* That the Board of Education for each and every District, may cause its Clerk to acquaint the Schoolmasters, at least six months previous to examination, of the time and place where such examination will be held, and the particular Branches of education for which prizes shall be awarded.

11. *And be it further enacted, &c.* That the Teacher who shall be declared to have gained the first prize, shall be entitled to one pound yearly, while teaching, over and above his regular salary; second prize, fifteen shillings; third prize, ten shillings; second and third prizes subject to the same condition as the first prize.

12. *And be it further enacted, &c.* That no Teacher of a common school shall be entitled to any benefit from the education fund, who shall not have attended the county meeting for the examination of Schoolmasters, unless prevented by sickness, to be certified by one of the Trustees of the Common School for which he is the Teacher.

13. *And be it further enacted, &c.* That the Master of the District School and such Members of the Board of Education as have attended the county examination of Schoolmasters, shall be entitled to ten shillings each, for every day necessarily employed in the said examination, provided it does not exceed three days for any one county.

14. *And be it further enacted, &c.* That for the maintenance and encouragement of education in this Province, there shall be established a fund, to be entitled, "Education Fund," which said fund shall consist of such sum or sums as the Legislature shall deem fit to appropriate for the same from the revenues of the Province; secondly, of the interest of the proceeds of the sale of the school lands, and all interest accruing from the proceeds of all other sale of lands appropriated to education; and thirdly, all such monies as may be available from the leasing of land for the purposes of education.

15. *And be it further enacted, &c.* That all sums of money already paid into the hands of the Receiver-General of this Province, or which shall hereafter be paid to him, as the proceeds of land sold to promote education, shall by him be invested in the purchase of any Government debentures autho-

raised by any Act of the Parliament of this Province, and that the interest payable upon such debentures shall continue to be charged to the general revenue of this Province, and shall be annually placed to the credit of the Education Fund, by this Act created.

16. *And be it further enacted, &c.* That in aid of the present appropriation for the support of common schools in each and every district of this Province, there shall be granted to His Majesty, annually, the sum of twelve thousand pounds, to be distributed among the several districts in the manner hereafter provided, out of any monies which are now raised and levied, or which may hereafter be raised and levied by the authority of Parliament, to and for the uses of this Province.

17. *And be it further enacted, &c.* That it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province, in each and every year, according to the last preceding census of the population of the Province, to apportion the money already granted by the Legislature, or which shall be hereafter granted, among the several districts, together with such further sums of money as may be afforded from the Education Fund.

18. *And be it further enacted, &c.* That it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province, on or before the fifteenth of June in each and every year, to cause to be transmitted to the Clerk of the Board of Education in each and every district, a copy of such warrant as he shall have issued in favor of the Treasurer of such district, for the payment of the portion assigned to such district out of the Education Fund.

19. *And be it further enacted, &c.* That it shall be the duty of the Chairman of the Board of Education for each and every district of this Province, to report the state of the district common schools, to the Governor, Lieutenant-Governor, or person administering the Government, that the same may be laid before the Legislature, at its first meeting, for their inspection; and that the Chairman be entitled to ten shillings per diem, for every day necessarily employed in preparing such report, provided it does not exceed five days.

20. *And be it further enacted, &c.* That it shall and may be lawful to and for the Board of Education in each and every district, to allow to the Clerks of their respective Boards, in addition to the sum they are now by law authorised to receive, the further sum of five pounds annually.



21. *And be it further enacted, &c.* That the said sum of twelve thousand pounds annually, shall be paid by the Receiver-General of this Province, in discharge of such warrant as may for that purpose be issued by the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors, shall be graciously pleased to direct.

22. *And be it further enacted, &c.* That this Act shall not go into operation until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty-six.

Passed Commons' House  
of Assembly, 31st day  
of March, 1835. } (Signed) M. S. BIDWELL,  
Speaker.

On the question for passing the bill the yeas and nays were taken as follows :

## YEAS,

Alway,	McDonell, of Stormont,
Brown,	Mackay,
Bruce,	Mackenzie,
Chisholm,	Merritt,
Cook,	Moore,
Corwall,	Perry,
Duncombe, of Oxford,	Richardson,
Duncombe, of Norfolk,	Rymal,
Durand,	Shaver,
Gibson,	Shiblay,
Gilchrist,	Small,
Gowan,	Thorburn,
Hopkins,	Waters,
Jones,	Wells,
Lount,	Wilson,
McCrae,	Woolverton—33.
McDonell, of Glengarry,	

## NAYS.

Attorney General,	Rykert—3.
Macnab,	

Truly extracted from the Journals of the Assembly of the 31st day of March, 1835.

(Signed) JAMES FITZGIBBON,  
Clerk of Assembly.

*An Act to promote the freedom of Election in the County of Leeds.*

**W**HEREAS, to promote the freedom of Election in the County of Leeds, and obtain a fair expression of the sentiments of electors in the choice of members to represent the said county in Parliament, it is deemed expedient to alter and amend the election laws of this province, so far as the same relate to the said county. Be it therefore enacted by the King's Most Excellent Majesty, by and with the consent of the Legislative Council and Assembly of the Province of Upper Canada, &c. that the several laws of this province relating to the election of members of Assembly, and the mode of conducting elections shall be, and the same are hereby repealed in relation to the said county of Leeds, so far as the provisions thereof vary from this act.

2. *And be it further enacted by the authority aforesaid,* That hereafter the election of members to represent the said County of Leeds in Parliament shall be held at four places within the said county, and for that purpose the said county shall be and is hereby divided into Four Sections, and that Section No. One, shall be composed of the Townships of Elizabethtown and Yonge, and the place at which the election shall be held within such Section shall be at Colman's Corners in Elizabethtown. Section No. Two, of the townships of Leeds and Lansdowne, and the place at which the election shall be held within such Section shall be the Village of Gananoque. Section No. Three, of the townships of Kitley, Burgess, and Elmsley, and the place at which the election shall be held within such Section shall be the Village of Smith's Falls. And Section No. Four, of the townships of Bastard, North Crosby, and South Crosby, and the place at which the election shall be held within such Section shall be the village of Beverley.

3. *And be it further enacted by the authority aforesaid,* That besides the Returning Officer now required to be appointed by law, it shall be the duty of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to appoint in like manner a Deputy Returning Officer to each of the three of the said Sections, whose duty it shall be to hold the election in the Section to which he shall be appointed, in the same manner, and subject to the same responsibilities and penalties as Returning Officers for counties are now liable by the laws of this Province, and to return to the Returning Officer appointed for the said County of Leeds the Poll Book for such Section, accompanied with an affidavit of such Deputy Returning

Officer and his Poll Clerk, sworn before some Justice of the Peace of the District of Johnstown, that the same contains a true and correct record of the votes taken at such section elections according to the provisions of this act.

4. *And be it further enacted by the authority aforesaid,* That the Returning Officer for the said County of Leeds shall take the votes in such one of the said Sections as he shall be directed to preside at in his appointment as Returning Officer for the said county, in the same manner, and under the same responsibilities and penalties as other Returning Officers presiding at Elections in this Province, and upon the receipt of the Poll Books from the Deputy Returning Officers of the other three sections of the said county which they are respectively required to return to him as aforesaid, within two days after the close of each section election, under the penalty of two hundred pounds; it shall be the duty of the said Returning-Officer, and he is hereby required to attend at the place where he received votes in the section for which he was appointed to preside, at eleven o'clock in the forenoon on the tenth day after the commencement of such section election (unless such day falls on Sunday, then on the Monday following;) and in the presence of such of the candidates, their Counsel or agents, and such persons as may be then and there assembled, shall exhibit the said poll-books, and return as duly elected the two candidates who have, on the poll-books of the four sections, the highest number of legal votes, taken according to the provisions of this act, in the same manner as if the election for the said county had been wholly held by the said Returning-Officer in person.

5. *And be it further enacted by the authority aforesaid,* That the election in each of the said sections shall begin on the same day, and the time of keeping open the Polls for receiving votes shall be the same as is now required by the laws of this province at other elections of members of Assembly, except that on the sixth day, if the election shall continue so long, in any section the poll shall be closed at three o'clock in the afternoon.

6. *And be it further enacted by the authority aforesaid,* That the choice of representatives for the said county shall be ascertained by actual polling of votes in the manner prescribed by this act in the respective sections aforesaid and not otherwise.

7. *And be it further enacted by the authority aforesaid,* That before proceeding to the discharge of his duty the Returning Officer for the said county shall take the same oath required by law to be taken by other Returning Officers at elections of members of Assembly in this province, and that

every Deputy Returning Officer shall take and subscribe the following oath :

“ I, A. B. do solemnly swear that I have not directly or indirectly received any sum or sums of money, offer, place or employment, gratuity or reward, or any bond, bill, or note, or any promise or gratuity whatsoever, either by myself or any other person, to my use or benefit or advantage for making any false or incorrect statement or return in the Poll Book, required by law to be by me transmitted to the Returning officer for the county of Leeds, and that I will conduct myself impartially, and without favour or affection to any party concerned in the present election for the County of Leeds,” which several oaths may be administered by any Justice of the Peace of the District of Johnstown.

8. *And be it further enacted by the authority aforesaid,* That the electors residing in each of the said sections shall vote at the election held in the section wherein they are so resident, or in case the voter shall not be a resident of the county, but is otherwise legally qualified to vote, he shall vote in the section in which the property on which he votes is situated. Provided nevertheless, that nothing herein contained shall prevent or be construed to prevent any elector entitled to vote in the said county from voting in any of the said sections if he makes oath (or affirmation if a Quaker) before the Returning Officer or Deputy Returning Officer presiding, that he apprehends personal injury or insult if he attempts to vote in the section in which he is so resident, or his property is so situated as aforesaid, or that it is inconvenient for him to vote thereat, (as the case may be). And provided also, that besides the oaths that may now by law be administered to electors, every elector before he shall be admitted to vote shall, if required by the Returning Officer or Deputy Returning Officer, at any section election at which the vote is offered, or any candidate thereat, his counsel or agent, or any freeholder of the said county, take the following oath before the said Returning Officer or Deputy Returning Officer, who is hereby authorised and required to administer the same :

“ You A. B. do solemnly swear that you have not before voted at the present election for the County of Leeds in any other section than the one at which you now come forward to vote ; that you reside in (state the place), and that the property on which you now propose to vote is situate in section No. (stating the number of the section).”

9. *And be it further enacted by the authority aforesaid,* That the said Returning Officer and Deputy Returning Officers for the said county, from the time they are respectively

appointed such Returning Officer and Deputy Returning Officers until the election shall finally be declared by the Returning Officer as aforesaid, shall be and are hereby declared to be conservators of the peace, and severally vested with the same powers for the preservation of the peace and apprehension and committal for trial, or holding to bail of violators of the law as are vested in Justices of the Peace in this Province, and that the said Returning Officer and Deputy Returning Officers may, and each of them is hereby required to appoint and swear in such and so many special constables as he may deem necessary for the preservation of peace and order at and during the section election for which the said Returning Officer or Deputy Returning Officer may be appointed, and for such time thereafter as may be deemed expedient and necessary.

10. *And be it further enacted by the authority aforesaid,* That every person who shall refuse to be sworn in as a special constable or who shall neglect his duty as such, without a legal excuse, and every person who may by threats, force or violence attempt to destroy the freedom of any of the said section elections, or hinder any elector from coming forward to vote thereat, or create any unnecessary noise, interruption, riot, tumult, disturbance or disorder thereat, or threaten or use violence to any elector who may have voted, on account of any vote given thereat, shall be deemed guilty of a high misdemeanor.

11. *And be it further enacted by the authority aforesaid,* That every Justice of the Peace in the District of Johnstown, who upon being required by the Returning Officer or Deputy Returning Officer, or any candidate at any such section election, or any three householders of the said county of Leeds shall unreasonably refuse or neglect to use his exertions for the preservation of the peace at such section elections, or shall encourage or willingly permit any violence or disorder thereat, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, besides the punishment inflicted by the court before which conviction is had, forfeit his office and be forever after incapable of being appointed a Justice of the Peace in this Province.

12. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any candidate at any election for the county of Leeds to duly appoint under his hand any number of persons not exceeding three to attend in his stead at any of the sections, who shall be empowered and authorised to perform, so far as to question or scrutinizing votes, that might or could be done by such candidate, if personally present.

13. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be guilty of false swearing, in any oath required by this act, he shall, on conviction thereof, suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the laws and statutes of this Province.

14. *And be it further enacted by the authority aforesaid,* That the votes taken by virtue of the provisions of this act, shall be by ballot, and it shall and may be lawful for the Returning Officer and Deputy Returning Officers appointed to hold elections, agreeable to the provisions of this act, to appoint each a Poll Clerk who shall take and subscribe the oath appended to this act.

15. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Poll Clerk, under the direction of the Returning Officer or Deputy Returning Officer to take down and record the names of the voters, their place of residence, and the description of freehold upon which they vote, in a poll book, prepared as near as circumstances will admit, agreeable to the form now prescribed by law.

16. *And be it further enacted by the authority aforesaid,* That each Returning Officer or Deputy Returning Officer shall provide a box of commodious size, with a double lid or cover, in the lower of which lids there shall be a hole of not more than sufficient size conveniently to admit the slips of paper containing the votes of the electors, so that such slips may readily pass to the bottom of the box, between which lids there shall be a sufficient space to contain the Poll Book as hereinafter mentioned, both of which lids shall be provided with a separate lock and key.

17. *And be it further enacted by the authority aforesaid,* That every person duly qualified to vote at any of the said section elections, and desirous to do so shall openly deliver his ticket to the Returning Officer or Deputy Returning Officer in presence of the sworn Clerk, and such of the candidates, their clerks, agents and counsel, and other persons as may be present; upon which ticket shall be written or printed the name or names of the candidate or candidates for whom the elector desires to vote, and the said ticket shall be so folded up as to conceal the contents thereof, and upon the receipt thereof the Returning Officer shall cause the name of the voter to be entered by the Clerk in his Poll Book, and shall in presence of the voter, clerk, and candidates or their agents or counsel, or such of them as may be present, put or cause to be put, the ticket uninspected into the box, through the hole provided therein for the purpose as aforesaid. Pro-

vided always, that neither the Returning Officer or Deputy Returning Officers shall place the ticket of any voter in the box until the same canvass, questions, or scrutiny, shall have been had by either of the candidates present, or their agents, or any one of the electors present, and the same oaths of qualification administered, if required, as though the mode of voting was not by ballot.

18. *And be it further enacted by the authority aforesaid,* That at every adjournment of the poll the Poll Book shall be put between the lids of the said box and locked therein, both of the keys of which shall be kept by the Returning Officer or Deputy Returning Officer presiding. Provided always, that any candidate or person acting in his behalf, shall be permitted by the Returning Officer or Deputy Returning Officer, on request, so to affix his seal to the said box, so as to be enabled to detect any clandestine opening thereof.

19. *And be it further enacted by the authority aforesaid,* That after the final closing of the Poll at any section election, the Returning Officer or Deputy Returning Officer presiding thereat, shall forthwith proceed in the presence of the clerk, candidates, or their agents or counsel, or such of them as may be present, and such others as may choose to attend, to open the said box and cause the clerk to count the said ballots or tickets unopened. If the number exceed the number according to the lists or Poll Book, then so many as make the excess shall be casually abstracted and destroyed unopened—whereupon, the Returning officer or Deputy Returning Officer presiding shall direct the clerk to proceed to canvass or estimate the ballots or tickets, and in case more than the proper number of tickets shall be found, or more than the proper number of names written or printed on any ticket the whole of the contents of such tickets shall be destroyed and not estimated. When the canvass is completed the Returning Officer or Deputy Returning Officer presiding shall cause the clerk to enter the respective numbers for each candidate to be written in full words in some place set apart for that purpose in the Poll Book; which book shall be returned by the several Deputy Returning Officers to the Returning Officer for the County, who shall therefrom and from the Poll Book kept under his own direction cause the Clerk of the Section over which he presided to make up an aggregate statement of the whole number of votes for each candidate in full words agreeable to the provisions of this Act, which statement shall be signed by the Returning Officer and annexed to the Writ of Election.

20. *And be it further enacted by the authority aforesaid,* that all of the Poll Books kept as aforesaid be transmitted to

the Clerk of the Crown in Chancery, duly attested to as now by law required to be done, except the principal Returning Officer is only required to attest to the Poll Book taken under his direction.

(*Affidavit.*)

“ A. B. of \_\_\_\_\_ in the District of \_\_\_\_\_ maketh oath and saith that he will well and truly perform his duties as a Poll Clerk at this election, by ballot, in and for the County of Leeds, in all particulars to the best of his knowledge and abilities, according to this act.”

(Signed) MARSHALL S. BIDWELL,  
*Speaker.*

*Passed Commons House of Assembly, }  
11th day of April, 1835. }*

On passing of the Bill, the Yeas and Nays were as follows:—

YEAS,

Alway,	Morrison,
Bruce,	Parke,
Chisholm,	Perry,
Cook,	Roblin,
Duncombe, of Oxford,	Rymal,
Duncombe, of Norfolk,	Shaver,
Durand,	Sibley,
Gibson,	Smith,
Gilchrist,	Thorburn,
Hopkins,	Waters,
M'Donell, of Stormont,	Wells,
M'Intosh,	Wilson,
M'Micking,	Woolverton,
Moore,	Yager—28.

NAYS,

Brown,	Richardson,
Caldwell,	Robinson,
M'Crae,	Rykert,
M'Donell, of Glengarry,	Strange,
M'Lean,	Taylor,
MacNab,	Walsh,
Mulloch.	Wilkinson—15.
Morris,	

Truly extracted from the Journals of the Assembly, of the 11th day of April, 1835.

(Signed) JAMES FITZGIBBON,  
*Clerk of Assembly.*





